

**SENATE—Tuesday, December 12, 1995**

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation, our Creator, Sustainer, and loving heavenly Father, thank You for these moments of profound communion with You. We come to You just as we are with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us when we trusted You in the past. Now, in the peace of Your presence, we sense a fresh touch of Your spirit. With receptive minds and hearts wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry the heavy responsibilities placed upon us. Humbly we ask for divine inspiration for the decisions of this day. Since we are here to please You in all we do, our hope is that at the end of this day we will hear Your voice sounding in our souls. "Well done, good and faithful servant." In the name of our Lord. Amen.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The acting majority leader is recognized.

**SCHEDULE**

Mr. THOMAS. Mr. President, this morning until 10:40 a.m. there will be a period for closing debate on Senate Joint Resolution 31. At 10:40 a.m. the Senate will recess until 2:15 p.m. today. At 10:40 a.m. the Senate will proceed to the House Chamber to hear an address by Israeli Prime Minister Shimon Peres to a joint meeting of the Congress which starts at 11 a.m. When the Senate reconvenes at 2:15 p.m., following 2 minutes of debate, the Senate will begin as many as five consecutive votes on amendments on Senate Joint Resolution 31. The first vote will be 15 minutes, the subsequent votes will be 10 minutes each, with 2 minutes of explanation in between each vote.

Following disposition of Senate Joint Resolution 31, it is the hope of the majority leader to turn to the consideration of the Bosnia legislation. In that the majority leader hopes to complete action on that matter by 12 noon on Wednesday, debate may go into the

evening today if necessary. Therefore, votes are possible today on the Bosnia legislation.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

**FLAG DESECRATION CONSTITUTIONAL AMENDMENT**

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 31, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Biden amendment No. 3093, in the nature of a substitute.

Hollings amendment No. 3095, to propose a balanced budget amendment to the Constitution of the United States.

Hollings amendment No. 3096, to propose a balanced budget amendment to the Constitution of the United States.

McConnell amendment No. 3097, in the nature of a substitute.

Mr. HATCH. Mr. President, today the Senate must decide whether this is freedom or the abuse of freedom—this right here—evidenced by this picture of the flag being burned by a bunch of antiflag activists.

Mr. President, it comes down to this: Will the Senate of the United States confuse liberty with license? Will the Senate of the United States deprive the people of the United States of the right to decide whether they wish to protect their beloved national symbol, Old Glory?

Is it not ridiculous that the American people are denied the right to protect their unique national symbol in the law?

We live in a time where standards have eroded. Civility and mutual respect—preconditions for the robust views in society—are in decline.

Individual's rights are constantly expanded but responsibilities are shirked and scorned. Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

The commonsense testimony of R. Jack Powell, executive director of the Paralyzed Veterans of America, before

the Senate Judiciary Committee in 1989 is appropriate here:

Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of that unlimited individual freedom so society can be cohesive and work. It would seem that those who want to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with.

We all know that the flag is one overriding symbol that unites a diverse people in a way nothing else can or ever will. We have no king. We have no State religion. We have an American flag.

Today, the Senate must decide whether enough is enough. Today, the Senate must decide whether the American people will once again have the right to say, if they wish to, that when it comes to this one symbol, the American flag, and one symbol only, we draw the line.

The flag protection amendment does not amend the first amendment. It reverses two erroneous decisions of the Supreme Court. In listening to some of my colleagues opposing this amendment, I was struck by how many of them voted for the Biden flag protection statute in 1989. They cannot have it both ways. How can they argue that a statute which bans flag burning does not infringe free speech, and turn around and say an amendment that authorizes a statute banning flag burning does impinge free speech?

The suggestion by some opponents that restoring Congress' power to protect the American flag from physical desecration tears at the fabric of liberty is so overblown it is hard to take seriously. These overblown arguments ring particularly hollow because until 1989, 48 States and the Federal Government had flag protection laws. Was there a tear in the fabric of our liberties? To ask that question is to answer it—of course not. Individual rights expanded during that period while 48 States had the right to ban physical desecration of the flag.

I should add that the American people have a variety of rights under the Constitution. These rights include a right to amend the Constitution. The amendment process is a difficult one. The Framers did not expect the Constitution to be routinely amended, and it has not been. There are only 27 amendments to the Constitution. But

the Framers of the Constitution did not expect the Senate to surrender its judgment on constitutional issues just because the Supreme Court rules a particular way.

The amendment process is there, in part, as a check on the Supreme Court and in an important enough cause. This is one of those causes.

Let me briefly address the pending amendments to Senate Joint Resolution 31. The McConnell amendment is a killer amendment. It would gut this constitutional amendment. It will completely displace the flag protection amendment should it be approved. A vote for the McConnell amendment is a vote to kill the flag protection amendment. Senators cannot vote for both the McConnell amendment and the flag protection amendment and be serious.

I say with great respect the Senator's amendment is a snare and a dilution. We have been down this statutory road before and it is an absolute dead end.

The Supreme Court has told us twice that a statute singling out a flag for special protection is based on the communicative value of the flag and, therefore, its misguided view violates the first amendment.

Even if one can punish a flag desecrator under a general breach-of-the-peace statute, the McConnell amendment is not a general Federal breach-of-the-peace statute. It singles out flag desecration involved in a breach of the peace. Johnson and Eichman have told us we cannot do that, we cannot single out the flag in that way. The same goes for protecting in a special way only one item of stolen Federal property, a Government-owned flag, or protecting in a special way only one item, a stolen flag desecrated on Federal property.

We all know why we would pass such a statute. Do any of my colleagues really believe we are going to fool the Supreme Court? Many of my colleagues, in good faith, voted for the Biden statute and the Court would not buy it. The Court took less than 30 days after oral argument and less than eight pages to throw the statute out, as they will this one.

They will do exactly the same to the McConnell statute. Even if the McConnell statute is constitutional—and it is not, with all respect—it is totally inadequate. Far from every flag desecration is intended to create a breach of the peace or occurs in a circumstance in which it constitutes fighting words.

Of course, many desecrated flags are neither stolen from the Federal Government nor stolen from someone else and desecrated on Federal property. Indeed, most of the desecrations that have occurred in recent years do not fit within the McConnell statute. Just as an illustration of its inadequacy, if the McConnell statute had been on the books in 1989, the Johnson case would have come out exactly the same way. Why? The Supreme Court said that the

facts in Johnson do not support Johnson's arrest under either the breach-of-the-peace doctrine or the fighting words doctrine. Moreover, the flag was not stolen from our Federal Government. Finally, the flag was not desecrated on Federal property.

So the McConnell statute would not have even reached Johnson, and the case would have come out exactly the same. What, then, is the utility of the McConnell statute, as a practical matter, other than to kill the flag protection amendment?

The Biden amendment, on the other hand, insists if we are to protect the flag, we must make criminals out of veterans who write the name of their unit on the flag. If the statute that authorizes this had been enacted at the time, Teddy Roosevelt and his Rough Riders would have been criminals. Why? Because they put the name of their unit on the flag they followed up San Juan Hill, the flag which over 1,000 of their comrades died in protecting.

Moreover, the Biden amendment blurs the crucial distinction between our fundamental charter, the Constitution, and a statutory code. Read it. It actually puts a statute into the Constitution and, for the first time, I might add, says Congress can vote up or down on it if it wishes. We have not done that in the 206 years during which we have lived under the Constitution. We cannot do that to our Constitution today.

This same amendment was rejected 93 to 7 in 1990. It has not improved with age.

The two amendments by Senator HOLLINGS on the balanced budget and campaign finance reform are not relevant to the flag protection amendment and therefore are subject to a point of order. They should be debated and voted on at some other time, but do not destroy the flag amendment because of irrelevant matters on this occasion.

So, I urge my colleagues to support the flag protection amendment and reject the other amendments to be offered here today.

I reserve the remainder of our time and ask any time be divided equally.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that 10 minutes in opposition be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I do not believe that we are going to get Americans to stop desecrating our flag as a consequence of amending our Constitution. I just do not believe it is going to happen.

I see the distinguished Senator from Utah has a picture, a very disgusting picture of a young man, I believe, a young boy, perhaps, burning an American flag. Much of the desire to pass

this constitutional amendment comes, in fact, from our observation that in some isolated instances, young people, angry about something, will desecrate a flag to make a point. Thus, we say, let us protect ourselves from these acts by amending the Constitution or passing a statute at the State level or passing, in this case, now in an amended form, a law at the Federal level saying that it is now against the law to desecrate the flag.

The respect for the flag is something that is acquired. One makes a choice based upon an understanding of what the flag stands for, and that understanding does not come in some simple fashion. It does not come with a snap of our fingers: Amend the Constitution, pass a law, and thus, all of a sudden, young people all across the Nation—or adults, for that matter—will immediately acquire respect for the flag based upon knowing that they will be punished if they do not.

That is basically the transaction here. We are saying, either respect the flag or we will punish you by invoking the law and perhaps fining you. I do not know, maybe there will be a jail sentence attached, some mandatory minimum perhaps that will be associated with the new criminal law of desecrating the flag.

Let me be clear on this. Many people are very confused, because I heard some people say, "It is against the law to desecrate the dollar bill. Why is it not against the law to desecrate the flag?" It is against the law to desecrate our flag. You cannot go down to the Iwo Jima Memorial or Arlington or up on the hill where the Washington Monument stands and burn a flag that is owned by the people of the United States of America. This issue here, this concern here is with a flag that some individual owns.

If the suspicion occurs, under this new constitutional amendment—I assume enabling legislation will occur as a consequence—that somebody, in their home, is desecrating their flag, it will now fall to the police or to the Federal law enforcement officials, I suspect, depending upon how the statute is written, to go into the home to make sure that individual is not desecrating his or her flag. That is the kind of response we are going to have our law enforcement people now charged with the responsibility of making.

I understand. I have spoken many times with American Legion members in Nebraska who are very enthusiastic about this amendment, or Veterans of Foreign Wars members, or Disabled American Veterans members who are very concerned about the loss of respect. They are very concerned about the loss of character.

Indeed, one of the most impressive things in community service right now, that has been over the course of my life, has been American Legion effort,



and VFW and DAV effort, to provide programs for young people, to teach them the history of this country, to teach them about D-day, to teach them about what stands behind this flag, why this flag is so revered by those of us who have served underneath it. But we see in that moment, if it is Legion baseball or a VFW youth program, you see in that moment the kind of effort that is required to teach respect, for a young person to choose to acquire the character necessary to give the kind of reverence due the U.S. flag.

I know this amendment, now that it has been modified, stands an even better chance of passing. But make no mistake, there is going to be a consequence to this vote. This is not one of those deals where you just vote on it and say, "Now I have kept faith with the American Legion, the VFW, the DAV, that have been lobbying very hard on it. There will be a consequence. We are going to pass a law and afterward there will be a law enforcement response. We are going to have an opportunity to measure, have we protected our flag as a consequence of amending the Constitution? Is there more reverence and respect? Do the young people of America now say, 'Gee, now that Congress has amended the Constitution, passed a law, and provided an environment where it is going to be illegal for us to burn the flag, we are now going to respect the flag more'?" I do not think so.

We see an increase today of consumption of illegal drugs by 12- and 13- and 14- and 15-year-old youth who are using marijuana, who are using cocaine, who are using illegal drugs. We already have a law on the books where they will suffer tremendous consequences.

There is a decline in character today with the youth of America for a whole range of reasons, but we are not going to reverse that decline by simply passing a constitutional amendment and issuing a press release saying that we respect the flag and all sorts of other glowing statements that we might make.

I made a list of things that I would put down if I was trying to determine whether or not an individual had acquired, through effort, through work, through discipline, real character. It is not easy to do it. It is not just respect, reverence of the flag; it is respect and reverence for adults, the older people who have served, who put their lives at risk at Iwo Jima, who put their lives at risk at Normandy, who put their lives at risk at the Chosen Reservoir, who put their lives at risk at Khe Sanh, who put their lives at risk in Desert Storm, who put their lives at risk in Bosnia, who put their lives at risk every single day they wear the uniform of the United States of America and train to fly a plane and train to do the work that we ask them to do to protect us.

There are 38,000 people today in South Korea, Americans serving this

country, putting themselves at risk as the North Koreans continue to press.

We need to teach our young people what it means to serve, and guide them in the acquisition of character and making the choices necessary to have character. To have character means that you are obedient to something higher than your own willful desire to satisfy short-term concerns. Obedience is not easy. It is not easy to be obedient to your parents. It is not easy to be obedient to your country—to answer the call, and say you are going to give yourself to some higher authority. It is much easier to say, "Well, you know, freedom means to be willful. Freedom means to do whatever I want. It is not just burning a flag. If I want to consume marijuana, or consume cocaine, or do the opposite of what my parents tell me to do, that is what being free is all about. Freedom is not being obedient. That is to be a slave."

Well, Mr. President, we need to teach young people that the pathway to freedom, in fact, is to be obedient to something other than your own desire to satisfy some short-term concern, physical or otherwise. To be an individual that acquires character means that you pay attention to what is going on around you. You do not daydream. To pay attention requires effort to note life around you—to note the passing not just of time. But your own life requires you to pay attention.

We need to help our young people learn what is necessary to do that.

Third, I put down on my list of things for an individual to acquire character is that will have to learn to be considerate about others—not self-centered but considerate.

What the flag burning issue is all about—what the desecration issue is all about—is do not necessarily offend somebody. Do not offend them, not just by burning a flag, but by disrespecting their property rights, or disrespecting their right to speak. Be considerate of other people.

That is one of the things that one needs, if they are going to acquire character. But you need to be conscious of time, and aware of the gift of life.

All of us in this Chamber are old enough to have either been with somebody who is dying, or seen somebody lose their life. And we know how precious life is as a consequence of that loss. We have been with a parent, with a loved one, and have sat with them as the life left them. We have sworn that moment that we would never forget how precious life is. And we committed ourselves, at least for a short period of time, to change our ways, to abolish and banish the habits that cause us to behave in ways that we do not like and are not proud of.

One must acquire, in the words of Albert Schweitzer, "a reverence for life"—a respect for life as opposed to

being not just disrespectful but perhaps destructive as well; but all of these things, and more besides.

I made a list this morning. There are others beside the elements of character that we are trying to teach our young people that cause us to be alarmed when we watch daytime television, that lead to our wanting to amend the Constitution to protect the one symbol, the one icon that tends to bind us together as a nation. All of us have had various experiences as a consequence of serving under that flag.

If you force people to respect the flag by amending our Constitution, or by passing a law, you are not going to have people respect the flag more. That is not the pathway to produce less desecration of the flag—something, by the way, that happens very little at all. It is not, in my judgment, a great threat to this country. What is a great threat to this country is when 40 percent of our youth do not know what the cold war was; when 50 percent do not know whether Adolf Hitler was an enemy in the Second World War; when a large percentage of people are unable to associate with any of the narrative of this country—any of the over 200 years of narrative of heroic adventures and life laid down for freedom that causes us in this moment to say, "Well, let us try to establish once and for all that we will have character in this country by amending our Constitution."

Mr. President, I again know there is great desire on the part of the Legion, the VFW, and DAV, and many other well-intended people who are concerned about the flag and want to protect the flag. To protect the flag takes us down a much different and a much more difficult road, one that I believe this country needs to follow. But I do not believe at all that we are going to increase the amount of respect that Americans have for their flag as a consequence of amending our Constitution. Indeed, I believe quite the opposite.

For those who think it is a fairly easy free vote—vote for it, and walk away—there will be consequences. We are going to amend laws. We are going to have the spectacle of people being arrested in their home, the spectacle of law-abiding citizens now being faced with all kinds of new charges and accusations that they do not respect the flag sufficiently.

Mr. President, I hope that there are 34 votes in this Senate to block this because I believe that the flag of the United States of America should not be politicized. And I believe it will—not by the well-intended Senators who are here today on the floor in support of this resolution, but by the actions that will occur as a consequence of this amendment.

Mr. President, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I understand that the time of the opponents on this is controlled by Senator BIDEN.

The PRESIDING OFFICER (Mr. JEFFORDS). We are not certain who is controlling the time.

Mr. McCONNELL. I am an opponent of the amendment, so I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it will be charged to either side.

Mr. McCONNELL. Mr. President, when we talk about the American flag, we usually do not think of it as an abstraction. It is not just a design on canvas.

For most of us, the flag means even more than the treasured symbol of our Nation.

Often, we think about a particular American flag we have seen or owned, and the special memories that surround that flag.

Some of us may remember the flag our fathers took out every Fourth of July and displayed from a makeshift flagpole.

Some of us may remember saying the Pledge of Allegiance to the flag in our first grade classroom.

Or we may recall the beautiful sight of an American flag in a foreign country, reminding us of home and safety.

Personally, I think of the American flag that sits on the mantle in my Senate office, folded up into a neat triangle.

There is not a day that goes by without me seeing that flag and thinking about it, if only for a minute or two.

I am very proud of that flag, because it was the flag that draped my father's coffin at his funeral, after he died of cancer in 1990.

For the rest of my life, I will remember seeing that flag and being so proud that my father had earned the right to have an American flag laid upon his casket—the highest military honor—by serving his country courageously in wartime.

My dad was a scout in the U.S. Army, fighting with the Allies in Western Europe during World War II.

D-day had come and gone, and the Germans were aggressively counterattacking, in the desperate hope that the Allies would lose heart and relent, allowing Germany to rearm and retain control over itself. This is what we came to call The Battle of the Bulge.

Being a scout was one of the most dangerous jobs in the Army, because you usually went out alone or in small groups, with minimal firepower.

And the whole purpose of being a scout was to find the enemy—to locate his position and strength, and then report that information back to the unit command.

Since you were virtually defenseless as a scout, you did not want to engage the enemy, but often that was unavoidable given the nature of the task.

In fact, my dad lost two-thirds of his company in one hellish night of fighting; and he himself came home with the Purple Heart.

But at least he came home.

Those were difficult and anxious times, but there was also great clarity of purpose in America's participation in World War II.

And as I look at that folded-up flag in my office, what strikes me over and over again is that my dad voluntarily went to war—risked his life like so many others of his generation—not because he was interested in acquiring a piece of European real estate, but because he believed in the cause of freedom.

Protecting America's freedom—and restoring the freedom of other nations—that is why my dad went to war.

United States Rangers scaled the cliffs of Normandy not to conquer, but to free. General MacArthur returned to the Philippines, not to conquer, but to free.

Even as we speak, American troops are deploying to Bosnia, not to conquer, but to bring freedom from centuries of ethnic violence and bloodshed.

Freedom is and always has been the great cause of America, and we must never forget it.

If we have learned one thing from the astonishing collapse of global communism, it is that freedom eventually wins out over tyranny every time. Ronald Reagan predicted it, and as usual, he was right.

Freedom is the most powerful weapon America has in a watching world. Preserving freedom—even when every impulse we feel goes in the opposite direction—sets an example for other nations to follow when their road to freedom gets rough.

If we allow ourselves to compromise on freedom, what can we expect young democracies like Russia and Ukraine to do, when they are faced with the difficult issues and decisions that freedom brings?

If we want to spread freedom, we need to stand for freedom—without equivocation or compromise.

Just as importantly, freedom is what will preserve our own democracy for the long run. Without freedom, America will cease to be America.

What does our freedom consist of?

Perhaps the most fundamental freedom is the first one enumerated in the Bill of Rights: the freedom of speech. And freedom of speech means nothing unless people are allowed to express views that are offensive and repugnant to others.

The freedom of speech that is protected by the Constitution is not about reaching consensus, it is about conflict and criticism.

Freedom of speech knows no sacred cows.

As all of us here are painfully aware, the high offices we hold provide no insulation from attacks by the media, even those that are completely unfair and inaccurate.

And as much as I do not like it at times, that is the way it ought to be.

As Justice Jackson wrote in the 1943 decision, *West Virginia State Board of Education versus Barnette*:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters.

The reason we have a first amendment is that the Founders of this Nation believed that, despite all the excesses and offenses that freedom of speech would undoubtedly allow, truth and reason would win out in the end.

As one constitutional scholar put it, the answer to offensive speech is not more repression, but more speech.

To put it another way, the best regulator of freedom—as paradoxical as that sounds—is more freedom.

The Supreme Court also has made it clear that the first amendment does not protect just the written or spoken word.

That is because ideas are often communicated most powerfully through symbols and action.

We do it all the time in political campaigns.

For example, as I have cited on this floor many times, the Supreme Court has held that spending on political speech is constitutionally indistinguishable from the speech itself.

And because campaign spending is so closely linked to political speech—the core of the first amendment—the Court has held that mandatory campaign spending limits are per se unconstitutional.

But that is only one example where something that appears to be conduct has a clear expressive purpose that falls within the ambit of the first amendment.

So to categorize something as conduct doesn't fully answer the question of whether it is also speech, and therefore protected by the Constitution.

Of course, when we see hateful people desecrating the American flag, we are instantly repulsed by it.

It strikes at the core of our emotions.

And it is not only because we love the flag and all that it symbolizes to us; it is also because of what is being communicated by such foul behavior.

Those who willfully desecrate our flag are saying that America is a lousy country, that its faults are beyond repair, and that it deserves to be torn down and reviled.

They are also saying—and this is something I take particular offense at—that men like my father—who



spilled their blood to save America and liberate others—were involved in an unworthy cause.

Thus, burning the flag is a uniquely offensive way of disparaging their heroism and trivializing their sacrifice.

Ideas like these are not only reprehensible, they are also demonstrably false.

They are lies: lies about America, and lies about those who fought and died for our country.

Nevertheless, as divisive and distorted as these ideas are, as much as they deserve to be condemned, they are still protected by the first amendment.

The most revolutionary facet of our Constitution—what sets it apart from every other document in history—is that it confers its benefits not only on those who love this land, but also on those who hate it.

For years, people in other countries saw it as a weakness that we tolerated so much vitriolic dissent in America.

Now they are realizing it is our strength.

I think of the powerful testimony of Jim Warner, a prisoner of war in North Vietnam from 1967 to 1973, whom I had the privilege of meeting this year.

During his imprisonment, Jim had been tortured, denied adequate food, and subjected to over a year of solitary confinement.

When he was finally released, he looked up and saw an American flag. To use Jim's own words, "As tears filled my eyes, I saluted it. I never loved my country more than at that moment."

One can only imagine how much it grieved this patriot when a North Vietnamese interrogator showed him a photograph of some Americans protesting the Vietnam war by burning an American flag.

The interrogator taunted Warner by saying, "There. People in your country protest against your cause. That proves you are wrong."

But Jim Warner mustered every bit of strength he had and replied firmly, "No—that proves I am right. In my country we are not afraid of freedom—even if it means that people disagree with us."

As Jim tells the story, the North Vietnamese interrogator reeled back, "His face purple with rage \* \* \*. I was astonished to see pain, confounded by fear, in his eyes."

Drawing on that incredible experience, Jim Warner wrote the following about the issue before us today:

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom.

When a flag was burned in Dallas to protest the nomination of Ronald Reagan . . . he told us how to spread the idea of freedom, when he said that we should turn America into a "city shining on a hill, a light to all nations."

Do not be afraid of freedom, it is the best weapon we have.

"Spread freedom—spread freedom." If anything is a conservative creed, that is it.

That is why so many die-hard conservatives flatly reject the idea of a constitutional amendment to ban flag burning.

George Will called it a "piddling-fiddling amendment." Cal Thomas said it was "silly, stupid, and unnecessary."

The National Review editorialized against it twice, saying it would "make the flag a symbol of national disunity."

The College Republicans, in their newspaper the Broadside, argued that a flag burning constitutional amendment would not accomplish much of anything.

And Charles Krauthammer warned that it would "punch a hole in the Bill of Rights," concluding that, "If this is conservatism, liberalism deserves a comeback."

And what about the liberals?

Nat Hentoff wrote that a constitutional amendment to ban flag burning would itself be desecration of the flag and the principles for which it stands.

Barbara Ehrenreich wrote a hilarious essay in Time magazine, envisioning all the legal conundrums that a flag desecration amendment would create—especially in an age when flag motifs are used on everything from campaign bumper stickers to underwear.

At some point, flag desecration is in the eye of the beholder.

In all of these writings, from across the ideological spectrum, the theme is the same: to use Jim Warner's deeply-felt words again: "Spread freedom. Don't be afraid of freedom. It's the best weapon we have."

Let me conclude with a brief story. The night of September 13, 1814, was one of the darkest in our Nation's history.

The late Isaac Asimov wrote a fascinating account of this night, which was later published by Reader's Digest. I will attempt to summarize it:

Three weeks before that fateful September night, the British had succeeded in taking Washington, DC, and now they were heading up Chesapeake Bay toward Baltimore.

Their strategy was clear: if the British were able to take Baltimore, they could effectively split the country in two.

Then they would be free to wage war against the two divided sections: from the north, by coming down Lake Champlain to New England; and from the south, by taking New Orleans and coming up the Mississippi.

All that lay in the path of the British Navy was Baltimore. But first they had to get past Fort McHenry, where 1,000 American men were waiting.

On one of the British ships was an American named Dr. Beanes who had

been taken prisoner earlier. A lawyer by the name of Francis Scott Key had been dispatched to the ship to negotiate his release.

The British captain was open to the idea, but they would have to wait; the bombardment of Fort McHenry was about to begin.

All through the night, Beanes and Key watched Fort McHenry being pummeled by cannon shells and rocket fire.

They were close enough in to hear the shouts and screams of men in mortal combat.

And all night long, they could see the American flag flying defiantly over the fort, illuminated by the bombs and explosions.

But when dawn came, the bombardment ceased and a dread silence fell over the entire battlescape.

Dr. Beanes and Francis Scott Key strained to see any signs of life from the battered ramparts of Fort McHenry.

And what they saw brought them incredible joy: despite the brutal onslaught of the night before, the American flag—torn and barely visible in the smoke and mist—still streamed gallantly over Fort McHenry.

The message was clear: the British were not going to get to Baltimore—and the war had taken a decisive turn in America's favor.

So let us get one thing straight: our flag survived the British naval guns at Fort McHenry.

Our flag weathered the carnage and cannon-fire of a national civil war.

Our flag still flapped angrily from the front deck of the U.S.S. *Arizona*—even after she had been blown in half and sunk at Pearl Harbor.

And our flag stood tall in the face of machinegun and mortar fire at Iwo Jima.

Make no mistake: this is one tough flag—and it does not need a constitutional amendment to protect it.

All it needs is hardy men and women who believe in freedom and have the courage to stand up for it, whatever the circumstances.

Then we can say together with confidence the words Francis Scott Key penned after that September night in 1814: "And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave."

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened to my friend and colleague. And there are very few people I have as much admiration for as I do the distinguished Senator from Kentucky. I think he is a gracious man and wonderful Senator. He has led the fight on a lot of very good issues.

The McConnell amendment has two fundamental flaws that should convince anyone who supports Senate

Joint Resolution 31 or who wants to protect the flag to vote to reject the Senator's amendment. First, the Supreme Court will certainly strike down the statute as contrary to its decisions in Johnson and Eichman. Second, the McConnell amendment is so narrow that it will offer virtually no protection for the flag. The McConnell amendment would not even have punished Gregory Johnson, which is the cause celebre case that is really involved here, among others.

What message does that send about our society's willingness to defend its values?

The McConnell amendment's primary fault is that the Supreme Court, following its mistaken Johnson and Eichman decisions, will strike it down as a violation of the first amendment. Both Johnson and Eichman make clear that neither Congress nor the States may provide any special protection for the flag. Because the Court views the flag itself as speech, any conduct taken in regard to the flag constitutes protected expression as well.

As Prof. Richard Parker of Harvard University Law School concludes: "Since the flag communicates a message—as it, undeniably, does—any effort by government to single out the flag for protection must involve regulation of expression on the basis of the content of its message." So a careful reading of Eichman bears this point out. Even though the 1989 act was facially content-neutral, the Court found that Congress intended to regulate speech based on its content.

The McConnell amendment is not going to fool anyone, least of all the Supreme Court. Its purpose is clear: to protect the flag from desecration in certain, narrow instances. Unfortunately, the Supreme Court has said that the American people cannot do this, something they had a right to do for almost 200 years, a right they had exercised in 48 States and in Congress up to 1989, with the Johnson decision. Do we need a third Supreme Court decision striking down a third flag protection statute in just 6 years before the Senate gets the message?

Even if the Court were to find that the McConnell amendment was not intended to protect the flag from desecration, it will still find it unconstitutional. Under its decision in *R.A.V. versus City of St. Paul*, the Court will strike down any statute that draws content-based distinctions, even if, as in *R.A.V.*, those distinctions are made within a category of unprotected speech. Thus, even though fighting words or words that incite a breach of the peace are unprotected, Congress cannot prohibit only certain types of speech within these areas of unprotected speech. However, it is this that the McConnell statute impermissibly does.

In fact, the Court in *R.A.V.* made clear that this doctrine would be ap-

plied to any flag protection statute. As Justice Scalia wrote for the Court: "Burning a flag in violation of an ordinance against outdoor fires could be punishable, whereas burning a flag in violation of an ordinance against dishonoring the flag is not." Since the McConnell amendment is not a law of general applicability, but instead is one that singles out the flag for protection, it will be held to be unconstitutional by the Court.

Mr. President, the McConnell amendment is so narrow that it would not even have punished Gregory Johnson for his desecration of the flag. And in Johnson—this is a pretty good representation of what Johnson and others did.

In Johnson, the Court held that unless there was evidence that a riot ensued, or threatened to ensue, one could not protect the flag under the breach of the peace doctrine. Small protection, that. Do we really want to limit protection of the flag only to those narrow instances when burning it is likely to breach the peace? I think not.

Even if sections (b) and (c) of the McConnell amendment could survive constitutional scrutiny, which I do not believe they can, they are no substitute for real flag protection. Only those who steal and destroy flags that belong to the United States, or only those who steal the flag from others and destroy it on Government property, can be punished under the McConnell amendment. Gregory Johnson did not steal his flag from the United States; it was stolen from a bank building. He did not burn his stolen flag on Federal property. He burned it in front of city hall. If the amendment would not punish Gregory Johnson, who will it punish?

Adoption of the McConnell amendment will amount to the Government's unintended declaration of open season on American flags. Just do not burn it to start a riot. Just do not steal it from the Government. And just don't steal it and then burn it on Government property. Otherwise, the McConnell amendment declares, flag burners are free to burn away, just like they did on this occasion, represented by this dramatic photograph that is true.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I support and cosponsor the McConnell amendment to ban flag burning. I oppose the burning of our U.S. flag. I oppose it today just as I always have.

Mr. President, I feel very strongly about this issue. I have voted for legislation to prohibit flag burning, and I have voted against amending the U.S. Constitution.

But, more than any other time in the past, I have grappled with today's vote to amend the Constitution to stop flag burning. This time the debate is different.

I truly believe that our Nation is in a crisis.

Our country is in a war for America's future. It's that's being waged against our people, against our symbols and against our culture. And I want to help stop it.

I firmly believe that we need a national debate on how to rekindle patriotism, values, and civic duty.

And if there is a way to do that, then I am all for it. It's important to me, and it's important to the future of our Nation.

Mr. President, I do not—and never have—intended or wished to inhibit America's freedom of speech. In fact, the first amendment—and others—got me where I am today.

I feel so strongly about this issue that I seriously considered supporting an amendment to the Constitution.

But, my colleague from Kentucky has offered an alternative to amending the Constitution that would protect the flag and protect the Constitution. I will support that alternative approach today.

Senator McConnell's proposal does not amend the Constitution, but it will get the job done by punishing those people who help wage war against the symbol of this country and everything it stands for.

I know that we have gone down this road before by passing statutory language to ban flag burning only to have the Supreme Court overturn it. But, the McConnell amendment should pass constitutional challenge.

If there is a way to deal with and punish those who desecrate our U.S. flag without amending the Constitution, I am all for it. That is why I support the McConnell amendment.

The McConnell amendment says you cannot get away with abusing the flag of the United States. It means that you can't get away with using the flag to incite violence. The McConnell amendment says you can't use this Nation's symbol of freedom and turn it into a symbol of disrespect.

The McConnell amendment stands for the same things I do. It protects the principles embodied in our Constitution—as well as our U.S. flag.

Mr. SIMPSON. Mr. President, my remarks will last a very few moments. I believe the Senator from Virginia was here before I was and is seeking recognition.

The PRESIDING OFFICER. Does the Senator wish to speak in opposition?

Mr. SIMPSON. No. I will be speaking in accordance with the flag amendment desecration, with Senator HATCH.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would like to make certain very brief comments on this pending resolution. For a number of years, I have listened and been content—well, not always content, but I have listened—to the heated debate surrounding this amendment, and I now feel compelled to interject



some rich personal thoughts of my own.

Many of the comments I have heard that are taking issue with this plan to amend the Constitution center around the issue of free speech. Opponents claim that if the flag desecration amendment is adopted, it will chill free speech, or will mean that a small majority will be free to determine exactly what activities constitute desecration. What these often self-proclaimed champions of free speech forget is that certain forms of speech are already regulated, including that category of speech known as fighting words.

Back in the 1950's, I was honored to serve my country in the U.S. Army. I served in the infantry in Germany for 2 years, in the 10th Infantry Regiment of the 5th Division, and with the 2d Armored Division, "Hell on Wheels," serving with the 12th Armored Infantry Battalion. Every single day for over 2 years, I got up in the morning and I saluted that flag, marched in military parades behind it, maneuvered with it on the front of an armored personnel carrier, and was ready to die for it. All of us who served in the military did that, for that was our mission.

So when I see someone who has never been in the military—oftentimes you see that—and someone who does not have a shred of respect for the country, but much cynicism—throw a flag on the ground and urinate on it, or burn it, and claim he or she is exercising his or her right to free speech, it does rise to the level of fighting words to me, in my book. And I would surely be willing to bet it does in the books of a lot of other law-abiding citizens of this great country.

That is where I am coming from, and there are those who have served in the military and those who feel just as strongly on the other side, and I respect those views. But I do have a lot of trouble with people who were never in the military and hearing them express themselves on the issue on either side. That is clear, in my mind. So I more deeply respect the views of those who have worn the colors, who feel just as strongly on the other side, but I have great trouble listening to the prattle of those who have never even served in the Civil Air Patrol.

Recently, I read an article on flag desecration by Paul Greenberg in the July 6 copy of the Washington Times. He made several points I think bear reiterating. He claims, in a witty and substantial style, that "our Intelligentsia" have done their level best to "explain to us yokels again and again that burning the flag of the United States isn't an action, but speech, and therefore a constitutionally protected right," and they cannot understand why a vast majority of the American public continues to want this amendment.

I agree with his conclusion that "it isn't the idea of desecrating the flag

that the American people propose to ban." Anyone is free to stand and to state how much they detest the flag, hate the flag and all that it stands for. "It's the physical desecration of the flag of the United States that ought to be against the law."

I could not agree more. For as Mr. Greenberg states so eloquently, some things in a civilized society should not be tolerated—such as vandalizing a cemetery, scrawling anti-Semitic slogans on a synagogue, scrawling obscenities on a church, spray-painting a national monument or, surely, for that matter, burning of the American flag. It really ought to be as simple as that. Period.

Thank you, Mr. President.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I yield myself 5 minutes against the time chargeable to those who oppose the amendment.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBB. Mr. President, I rise with a degree of reluctance because I'm taking the opposite side from so many friends, and veterans, and those who believe very strongly that we ought to have some constitutional protection for the flag.

But I myself feel very strongly that this would be the wrong move for us to make.

I, like many of our fellow Senators, served in the armed services. I served in combat. I am one of those who has always respected the flag. I never fail to rise to render appropriate honors. Indeed, like all others who served, I was willing to die for our flag if necessary—or for the underlying freedoms that our flag represents. And yet I believe that this amendment moves in the wrong direction.

We already have in place rules and regulations and statutes that prohibit desecration of our flag under certain circumstances. If the flag that is being burned does not belong to the individual that is burning it, there are already laws in place to cover that kind of physical destruction—or desecration. If the flag is being burned for the purpose of inciting a riot, or anything along those lines, there are already laws in place to prohibit that kind of activity.

Indeed, the manual that we have on our flag talks about the proper way to dispose of a flag. It is listed under "Respect for the Flag." Section 176, paragraph K talks about the proper way to dispose of a flag that has been rendered no longer useful, one that is either tattered, torn, damaged, or somehow rendered less than an appropriate symbol of our country. The appropriate way to dispose of that flag is to burn that flag.

The difference that we are talking about with this amendment is the difference between an act and an expres-

sion of opinion, of speech. And it is in precisely those circumstances where the flag is burned to convey a message that the freedom that the flag represents—the basic democracy of this country—is challenged.

We nominate for the Nobel Peace Prize many in other countries who stand up to dissent peacefully against their government, who say that they believe their government is wrong for whatever reason. We have nominated, or others have nominated, everybody from Aung San Suu Kyi in Burma, who has just been released, to Nguyen Dan Que in Vietnam, Wei Jing Sheng in China, Nelson Mandela in South Africa, many in the former Soviet Union that were honored because they spoke up and spoke out.

And it is precisely when an individual is threatened by his or her government when he or she begins to speak out, that basic freedoms and democracy are most threatened. We know that the first sign that freedom or democracy is in trouble anywhere around the world is when the government starts locking up dissenters, when the freedom of the people to express their political opinions is stifled. And this is the distinction—the distinction between an act and a message—that I hope that we will be able to make when we consider this amendment.

The acid test of democracy is whether or not we can speak out in peaceful dissent against our Government without fear of being arrested, or prosecuted, or punished. And in this case, the amendment goes directly to the heart of that freedom.

Now I know that many who support this amendment—many of my fellow Senators, many other Members of Congress, and certainly leaders of veterans organizations, and others around this country—have a very noble cause and purpose. But I happen to believe that cause and purpose—that expression of devotion to our country—is best served if we don't amend the Constitution in this case.

Now I am not one that is arbitrarily opposed to amending the Constitution, but in this situation the amendment goes directly to the heart of what that Constitution protects for us and for all of our citizens.

So I would respectfully urge all of my colleagues to think long and hard with all due deference to their patriotism and resist the temptation to amend our Constitution in a way that would significantly undermine precisely the freedoms and the democracy that we seek to protect.

With that, Mr. President, I yield the floor and I thank the Chair.

Mrs. MURRAY. Mr. President, as an American, and the daughter of a disabled veteran, I take deep pride in our great Nation. To me, the flag symbolizes our strength, our democracy, and our unprecedented freedoms—freedoms

that set us apart from every other country in the world. Our Constitution guarantees all of us this freedom, including the right to free speech. I believe we should be very cautious about altering this document, because to do so alters the fundamental ideals on which our country was built.

I am deeply troubled by the implications of this proposal; namely, that some people believe it is now necessary to force Americans to respect their flag by enacting legislation demanding they do so. That is wrong and unnecessary. I do not believe this constitutional amendment will result in Americans having greater respect for authority, for our Government, or for our flag. Rather, I believe this amendment reinforces the idea that reverence for one's country and the symbols of one's nation must be imposed by law. And, I do not think that is what the American people need, nor do I believe this principle is consistent with our Nation's history of uncoerced respect for our country and flag. Instead, I hope parents will instill in their children, just as I have in mine, a deep respect for the flag. I also pray our Nation will never again be so divided that burning the flag becomes popular or acceptable.

But it is my father who spoke most directly to my heart on this issue. In World War II, my father fought for this Nation in the Pacific theater. He was wounded in battle and some doctors believe that the shrapnel in his leg may even be the cause of the multiple sclerosis from which he has suffered for the last 30 years. When I asked him his feelings about this constitutional amendment, he was saddened and offended. He explained that he had not fought for the U.S. flag; he had fought and suffers still for the freedom that our flag symbolizes. That freedom is what this Congress may vote to limit.

Mr. President, for the ideals embodied in our Constitution, for the respect I have for all our flag represents, and most personally, for my father's sacrifices, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I am deeply concerned about the desecration of the U.S. flag because of what it says about our culture, our values and our patriotism. But I must vote against this amendment to the U.S. Constitution.

Mr. President, I absolutely do not support the desecration of our flag. In 1989, I voted for legislation to prohibit flag desecration. And I regret that law was declared unconstitutional by the Supreme Court.

I not only support the flag. I support what the flag stands for. Our flag stands for our Constitution. The meaning of our flag is embodied in our Constitution—especially the first amendment.

Today, I continue to oppose the desecration of our flag, and I call on Ameri-

cans to rekindle their patriotism, their values, and their civic duty.

I ask with all the passion and patriotism in me, that those who speak about constitutional rights, who talk about their freedom of speech, who talk about their freedom of expression—that they exercise community responsibility.

By community responsibility, I mean that each person take the right you have to speak, to march, and to organize, but remember when we desecrate symbols, we desecrate each other.

I do not wish to inhibit freedom of expression. But I want us to live in a culture that calls people to their highest and best mode of behavior. But we are not doing that in our society today.

We cannot build a society for the 21st century that advocates permissiveness without responsibility. For every right there is a responsibility. For every opportunity, there is an obligation.

I am very frustrated about what is going on in our country. I believe there is a war being waged—against our people, against our symbols, and against our culture.

When I go into the neighborhoods, moms and dads tell me that the toughest job in this country today is being a parent, providing for their families and teaching their children the values of our society.

Love your neighbor; love your country; be a good kid; honor your father and your mother; respect each other. These moms and dads feel that no one is looking out for them. The very values they teach in the home are being eclipsed and eroded by the culture that surrounds us. And some children do not even get that much attention.

We should—and need to—have a national debate on these issues.

But we cannot change the culture by changing the Constitution. We change the culture by living the Constitution—by speaking out responsibly and by organizing. I support amendments to expand the Constitution, not constrict it.

Mr. President, I am a U.S. Senator because of amendments to the Constitution—amendments that allowed me to organize and to speak—amendments like the 1st amendment and the 19th amendment.

The first amendment allowed me to speak up and speak out in protest to save a Baltimore community whose homes were about to be leveled for a 16-lane highway.

We organized. We protested. We exercised free speech. I challenged the thinking of city hall and all the road planners. The community liked what I was saying. I spoke for them and their frustrations, and they encouraged me to run for political office.

That experience took me into neighborhoods where they said no woman could win. But, I did. And the 19th amendment—which gave women the

right to vote—helped me get here. And I made history. That happened because of amendments to the Constitution.

So, I know the power of the Constitution. And I know the power of amending it.

But all the past amendments have expanded democracy and expanded opportunity. This amendment we consider today would constrict the very freedoms that have allowed me to be here.

Mr. President, I am thankful to the people of Maryland who sent me here, and America's veterans should know today I am voting for what they fought for and all the people who work every day to make our country great.

Yes, I believe we can and should have a law to end the desecration of our flag. Yes, we need more community responsibility, more patriotism, more civic participation, values, and virtue.

I hope to cast my vote today to continually use the Constitution to expand democracy and not to constrict it.

Now is not the time to change the course. Now is not the time to tamper with laws, precedents and principles that have kept us in good stead for two centuries.

Mr. President, I take amending the Constitution very seriously, and I will not vote today to change it.

Mr. HATFIELD. Mr. President, I support Senate Joint Resolution 31, the Flag Protection and Free Speech Act of 1995, introduced by the distinguished chairman of the Judiciary Committee, Senator HATCH. Let me compliment my friend from Utah for his steadfastness on this complex and at times emotional issue.

As one who saw the Stars and Stripes go up at Iwo Jima, I can say I share the feelings of pride for our flag that have been sincerely expressed by Senators on both sides of this debate. If the flag symbolizes this Nation and the freedoms it provides, the Constitution is the living legal document under which this nation was created and pursuant to which those freedoms are guaranteed. While I have consistently supported legislative measures to protect the flag from those misguided souls who would deface it, I have been reluctant to amend the Constitution to do so.

Unfortunately, it appears that passage of an amendment to the Constitution is the only avenue available to address this problem given the fairly clear decisions that have been issued by the Supreme Court on this precise legal point. In June 1989, the Supreme Court handed down the landmark decision of *Texas versus Johnson*, in which it overturned a Texas statute punishing flag desecration on the grounds that it violated the free speech protection guaranteed by the first amendment to the Constitution. This holding had the effect of overturning 48 State flag desecration statutes, including the Texas statute, and one Federal statute.



In October of that same year, this body passed the Flag Protection Act in direct response to the Johnson case. Legal scholars, including Harvard's Lawrence Tribe, advised Congress that the statutory approach being considered would pass constitutional muster. I supported this statutory effort and opposed the constitutional amendment voted on later that month.

On June 11, 1990, the Supreme Court, in *U.S. versus Eichman*, struck down the flag protection statute which I had supported the prior year. On June 26, 1990, the Senate failed in its attempt to assemble the two-thirds margin necessary to pass the constitutional amendment. However, on this occasion I voted in favor of the constitutional amendment because of the direct rejection of the statutory approach by the Supreme Court.

I intend to support Senate Joint Resolution 31 when it is voted on this week. While I will continue to listen to the arguments in favor of and against the amendment proposed by my friend from Kentucky, Mr. McCONNELL, I am not convinced it would be upheld by the Supreme Court. Furthermore, I am concerned that it would apply only in rare cases and thus leaves too great a loophole for those who wish to deface the flag.

Mrs. BOXER. Mr. President, this is an important debate we are undertaking here today, in the Senate, because it focuses on changing the cornerstone of American democracy: the U.S. Constitution.

The Constitution's principles transcend the few words which are actually written. Hundreds of thousands of American men and women have made the ultimate sacrifice in defense of these principles. And this remarkable, living document continues to inspire countless others struggling in distant lands for the promise of freedom.

In the 204 years since the ratification of the Bill of Rights, we have never passed a constitutional amendment to restrict the liberties contained therein. In our Nation's history, we have only rarely found it necessary to amend the Constitution. There are only 27 amendments to the Constitution—only 17 of these have passed since the Bill of Rights.

The first amendment to the Constitution states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

The amendment before us would create a new constitutional amendment to enable the Congress to prohibit the physical desecration of the U.S. flag.

Desecration of the flag is reprehensible. The issue for me is since there are countless examples of actions and

speech which are, in my opinion, morally reprehensible, are we starting down a path that will lead to amendment after amendment to the Constitution—changing the very nature of that magnificent document. Some of these reprehensible areas for me are: Shouting obscenities at our men and women in uniform; burning a copy of our Constitution or the Declaration of Independence; speaking obscenely about our country or its leaders; demeaning our Nation in any way; burning the Bible; vile speaking about religion or God; and denigrating the Presidency as an institution, no matter who is in office.

All these things are vile to me and I have nothing but contempt for people who do such things. But, I think the question is this: Is it necessary for the greatest Nation in the world to amend the greatest document in the world to outlaw each of these offenses?

The passage of a constitutional amendment to prohibit flag desecration is a priority for this Republican Congress. The House of Representatives led the charge by passing the constitutional amendment in June.

So, I say to my colleagues here in the Senate: We have a choice to make. Do we stand behind Speaker NEWT GINGRICH and the House of Representatives? Or do we stand with the Founding Fathers? I, for one, choose to stand with the Founders—Thomas Jefferson, James Madison, and Ben Franklin, among others.

I believe that many flag burnings can be addressed by existing constitutional statutes passed by the States and localities to prohibit or limit burning and open fires. States and localities have the ability to enforce these fire code provisions, thereby prohibiting or limiting incidents of flag burning for valid safety reasons.

For example, in the city of San Francisco, the city fire code contains a general ban on open burning. It states:

It shall be unlawful for any person to ignite, kindle, light or maintain, or cause or allow to be ignited, kindled, lighted, or maintained, any open outdoor fire within the city and county of San Francisco.

In the cities of Chula Vista in San Diego County and Fountain Valley in Orange County, CA, open burning may only be conducted by notifying the fire department or obtaining a permit. An individual who fails to comply with the code can be found guilty of a misdemeanor.

In addressing open fires, the fire prevention code of New York City, states:

It shall be unlawful for any person to kindle, build, maintain or use a fire upon any land or wharf property within the jurisdiction of the city of New York.

Violation of the code results in money fines or imprisonment.

So, it is clear that authority already exists for States and localities to control or limit the burning of flags under

their ability to protect the safety of their residents. And while this only covers one form of desecration—burning—where a flag being desecrated belongs to someone else, or the United States, State laws against larceny, theft, or destruction of public property can be invoked against the offender.

In addition, S. 1335, the Flag Protection and Free Speech Act of 1995, introduced by Senators McCONNELL, BENNETT, and DORGAN, would create new statutory penalties for damage or destruction of the flag. I support S. 1335 as an effort to punish the reprehensible conduct of flag desecration in a manner consistent with the Constitution.

S. 1335 would criminalize the destruction or damage of the flag in three circumstances. Where someone destroys or damages the flag with the intention and knowledge that it is reasonably likely to produce imminent violence or a breach of the peace, under S. 1335, such actions would be punishable with fines up to \$100,000 and 1 year of imprisonment.

The McConnell legislation also creates stiff new penalties where an individual intentionally damages a flag belonging to the United States, or steals a flag belonging to someone else and damages it on Federal land. In either situation, the individual could be subject to penalties of up to \$250,000 in fines and 2 years of imprisonment.

By creating tough criminal penalties for desecration of the flag through statute, we punish reprehensible conduct without having to amend the Constitution. Moreover, in a Congressional Research Service analysis of the Flag Protection and Free Speech Act of 1995, the American Law Division opined that S. 1335 should survive constitutional challenge based on previous Supreme Court decisions.

Mr. President, desecration of one of our most venerated objects—the American flag—is deeply offensive to me and most Americans. But I do not believe we need to modify our Constitution in order to protect the flag. We can protect the flag with existing laws and through the enactment of new criminal penalties for damage and destruction of the U.S. flag without having to alter our guiding document, the U.S. Constitution.

Mr. KERRY. Mr. President, I went to Vietnam because another Congress told me I had to go to protect freedom—including the first amendment—and defeat communism. I went; and I am honored to have served, but, here I am—today—forced to come to the floor of the U.S. Senate to fight for freedom once again and engage my colleagues in a debate about a flag burning amendment.

Those same colleagues—on one hand—want to amend the first amendment for the first time in 200 years and abridge our most basic freedom in the name of patriotism—and on the other—

cut benefits for veterans which is—in my view—the most unpatriotic thing we can do.

This is the ultimate irony.

Over the last few months—they have come to this floor with endless speeches about preserving this democracy—their agenda does exactly the opposite. It dishonors veterans with the most destructive budget to veterans that I have ever seen in my years here. My Republican colleagues came to the floor with Medicaid cuts this year that would have eliminated coverage for 4,700 Massachusetts veterans—2,300 of them under the age of 65, disabled, and ineligible for Medicare coverage. The remaining 2,400 are over 65 and 1,200 of them are in nursing homes.

Mr. President, if we vote to amend the Constitution and raise the symbols of this Nation to the level of freedom itself, and we chip away at the first amendment to protect the flag—then what next? What other symbol do we raise to constitutional status? We all have special symbols to us that represent America and democracy, but to give them constitutional status is, at best, an extraordinary overreaction to a virtually nonexistent problem. According to the Congressional Research Service there were three—count them—three—incidents of flag burning in the United States in 1993 and 1994. That is not exactly a major problem in our country.

Even Roger Pilon of the Cato Institute, in a recent editorial, said that, and I quote:

This issue is left-over from the dimmest days of the Bush administration, when a desperate grasp for symbols masked an abject want of ideas.

And it was Ronald Reagan who said, as my colleague from Kentucky, Senator McCONNELL, pointed out in his editorial yesterday in the Washington Post, "Don't be afraid of freedom; it is the best weapon we have." But here we are again—debating a constitutional amendment to abridge that freedom.

Mr. President, I, like everyone in this Chamber, abhor seeing anyone burning the flag under any circumstances. It hurts me to see it. It has always hurt me. I thought it was wrong in the Vietnam era, just as I do now, but I never saw the act of flag burning—nor could I ever imagine seeing it—as unconstitutional. To burn the flag is exactly the opposite—it is the fundamental exercise of constitutional rights—and we cannot fear it, stop it, or set a precedent that abridges basic freedoms to show our outrage about it.

What we must do is tolerate the right of individuals to act in an offensive, even stupid manner.

Mr. President, as a former prosecutor I know that most flag burning incidents can be prosecuted under existing law. If a person burns a flag that belongs to the Federal Government—that constitutes destruction of Federal property, which is a crime.

Mr. President, 54 years ago last week, was the day that Franklin Roosevelt said would "live in infamy."

And I ask: Do we honor those who have served their country so ably, so bravely—do we honor our veterans by changing the first amendment, by trimming out fundamental freedoms they fought for?

In fact, I suggest that if we pass this constitutional amendment, this day will go down—once again—as a day that will live in infamy. For it will be the day when the greatest country on Earth limited the basic freedoms because of the stupid, incentive, hurtful acts of a very few people on the fringes.

We are better than that, Mr. President. We are smarter than that. We are smart enough to honor our Nation, our liberty, and our veterans without sacrificing our freedom.

In the final analysis, I think if Congress and the country want to do something serious to help our veterans, then we should focus on the quality of veterans benefits, the ability of veterans to have access to health care—on the POW/MIA issue and issues like agent orange. These are the serious bread-and-butter and health issues for those who sacrificed so much for America, and I'm working hard to make sure that America keeps its contract with our veterans.

But I do not believe that keeping the faith with our veterans means changing the first amendment for the first time in 200 years.

Mr. President, the Constitution is hardly a political tool to be pulled from the tool chest when someone needs to tighten a nut or a bolt that holds together one particular political agenda.

This is not an easy vote for me. I've been told that there are veterans in my State—in Massachusetts—who feel so strongly about this issue that they will follow me all over the State if I vote against this amendment; but let me make it very clear that to me the flag is a symbol of this country, it is not the country itself. The Bill of Rights is not a symbol; it is the substance of our rights—and I will not yield on that fundamental belief and I will not yield in my deep and abiding commitment to the men and women who served this country and sacrificed so much for the freedoms symbolized by the Stars and Stripes.

I thank my colleagues and I yield the floor.

Mr. DODD. Mr. President, the Members of this body should not risk the desecration of our Constitution simply to express outrage against those who desecrate the flag.

The issue before us today has absolutely nothing to do with condoning the behavior of those few who choose to defile one of our most cherished national symbols. Every Senator is troubled when someone burns, mutilates, or

otherwise desecrates an American flag. There is no question about that. The issue is whether we tinker with the Bill of Rights in an attempt to silence a few extremists who openly express their contempt for our flag.

I am very reluctant to amend our the Constitution. In over 200 years, we have only amended that fundamental text 27 times, and we have never amended the Bill of Rights. In my view, we should not risk undermining the freedoms in the Bill of Rights unless there is a compelling necessity. I do not believe that the actions of a few flag burners has created that necessity.

Throughout our history we have recognized that the best remedy for offensive speech is more speech, and not a limitation on the freedom of speech. Supreme Court Justice Oliver Wendell Holmes expressed this idea very eloquently in his opinion in *Abrams v. United States*, 250 U.S. 616, 630 (1919):

[W]hen men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.

Clearly, flag burning has not fared well in the marketplace of ideas. Across this country, Americans are quick to express their disdain for those who desecrate the flag. The powerful symbolic value of our flag remains unscathed.

In the past, I have supported Federal statutes designed to balance the need to protect the flag with the freedom of speech. In 1989, I joined with other Members of Congress to help pass the Flag Protection Act. In my view, that legislation was a measured response to this issue. Regrettably, the Supreme Court struck down that statute in *United States versus Eichman*.

This year, Senator McCONNELL has offered a more narrowly crafted measure. I will support that amendment and I urge my colleagues to do the same. We should continue to try to address this issue statutorily, rather than through the more dramatic step of amending the Constitution.

In closing, I urge my colleagues to oppose this effort to amend the Constitution. We should continue to speak out against those who would desecrate the American flag, but we should not weaken its power by undermining the freedoms for which it stands.

Mr. PELL. Mr. President, today, the Senate is undertaking the solemn task of the considering an amendment to our Nation's Constitution. Indeed, the proposed language we are considering would, according to the Supreme Court and numerous legal observers, amend the Bill of Rights, the very core of personal liberties and freedoms enshrined and protected in our national charter.



The Congress has considered this issue before and while it has assented to statutory protection of the flag, it rejected amending the Constitution for the same purpose, positions that I supported. I do so again today, believing that the our flag should be cherished and revered and find deliberated acts to desecrate it offensive. I also believe that the flag can be protected without infringing upon our first amendment guarantee of free expression.

In the Congress' last attempt to do so our approach was rejected by the Supreme Court. I believe that this time, however, the more carefully constructed statutes protecting the integrity of the flag offered by Senators BIDEN and MCCONNELL today stand a much better chance of passing constitutional muster and hope that my colleagues will join me in supporting them.

However, when it comes to amending the Constitution to prohibit flag desecration, I simply believe that that approach goes too far. The principles enshrined by our Founding Fathers in the Bill of Rights have not been altered in over 200 years and I cannot support the effort to do so here. Make no mistake: I love and respect the American flag and all that it symbolizes. Nevertheless, as I have often said, I simply believe that our flag will wave more proudly if as we seek to protect it, we also protect the Bill of Rights.

Accordingly, I cannot support the proposed constitutional amendment to prohibit flag desecration.

Mr. BRADLEY. Mr. President, our American flag is best protected by preserving the freedom that it symbolized. I cannot support a constitutional amendment that would limit that freedom. At the same time, I believe that anyone who burns the American flag is an ungrateful lowlife who fails to understand how special and unique our country is, and I tremendously respect those New Jerseyans who support this amendment and have urged my support with great dignity and conviction.

Like most Americans, I revere the flag as a symbol of our national unity. I want it protected from abuse. That is why I strongly supported the Flag Protection Act of 1989, which sought to punish those who would destroy our flag. That is why I regretted the Supreme Court's subsequent decision in *United States versus Eichman*, which declared the law in violation of the first amendment. That is also why I enthusiastically support and today urge passage of another law that would make it illegal for someone to burn a flag, if the act itself would incite violence.

In our system, the first amendment is what the Supreme Court at a particular time says it is. The Court has said that the Flag Protection Act violates freedom of expression. A future Supreme Court may reverse that deci-

sion. Although I wish the Supreme Court had ruled the other way, it did not. The question now is whether protecting the flag merits amending the Bill of Rights.

In making the decision to oppose this amendment, I consulted my heart and my mind. My heart says to honor all those who died defending American liberty. My heart conjures up images of the marines holding the flag on Iwo Jima, the crosses in the fields at Flanders, the faces of friends who never came back from Vietnam.

My heart says, what a nation believes in, what it will preserve, what it will sacrifice for, fight for, die for, is rarely determined by words. Often people cannot express in language their feelings about many things. How do I know?

Because I struggle with it every day.

Remember the pain you felt when the *Challenger* exploded before your eyes? Remember the joy you felt when World War II and the Korean war ended? Remember the shock you felt when you learned of the assassinations of President Kennedy and Martin Luther King? Remember the feelings of attachment you have for the Lincoln Memorial, the Statue of Liberty, the U.S. flag?

These are symbols and shared memories for places, events, and things that tie us to our past, our country, and to each other, even when there are no words at all. When someone gives respect and recognition to them, we are moved, sometimes to tears. When someone demeans them or shows disrespect, we are outraged.

My heart says honor the flag, and I do. My mind says, when our children ask why America is special among the nations of the world, we tell them about the clear, simple words of the Bill of Rights, about how Americans who won our independence believed that all people were blessed by nature and by God, with the freedom to worship and to express themselves as they please. We found these truths to be self-evident before any other nation in the world did, and even before we created the flag to symbolize them.

Our Founding Fathers believed that fundamental to our democratic process was the unfettered expression of ideas. That is why the amendment that protects your right to express yourself freely is the first amendment, and politicians should never put that right at risk.

Now if this constitutional amendment passes, we will have done something no Americans have ever done—amended the Bill of Rights to limit personal freedom.

Even if you agree with the flag amendment, how can you know that the next amendment will be one you will like? You cannot. So let us not start. Once you begin chipping away, where does it stop? Do not risk long-term protection of personal freedom for a short-term political gain.

America's moral fiber is strong. Flag burning is reprehensible, but our Nation's character remains solid. My best judgment says we are in control of our destiny by what we do every day. We know the truth of Mrs. Barbara Bush's words that America's future will be determined more by what happens in your house than by what happens in the White House.

I have traveled America for over 25 years. I know we still have standards, insist on quality, believe in hard work, honesty, care about our families, have faith in God.

A rapidly changing world looks to us to help them define for themselves what it means to be free. Our leadership depends more than ever on our example. This is the time to be confident enough in our values, conscientious enough in our actions, and proud enough in our spirit to condemn the antisocial acts of a few despicable jerks without narrowing our basic freedoms.

My mind says that the best way to honor those who died to preserve our freedom is to protect those freedoms and then get on with the business of making America a better place.

I took an oath to support and to defend the Constitution of the United States. Each Senator has to decide in her own mind and in his own heart what he feels he must do, to fulfill the promise he made to preserve and to stand by the Constitution. Different Senators will arrive at different answers. For me, this amendment does not preserve the Constitution. To the contrary, it constricts, narrows, limits—makes it less than it was before. To preserve means to keep intact, to avoid decay, but this amendment would leave freedom of expression less intact, less robust, more in a state of decay. To support an amendment which would, for the first time in 204 years, reduce the personal freedom that all Americans have been guaranteed by the Constitution would be, for me, inconsistent with my oath. I will never break my oath.

Finally, in his dissenting opinion on flag burning, Justice Stevens warned us about using the flag "as a pretext for partisan dispute about meaner ends." Politics can be a mean business, but it can also be a glorious business. Sometimes an event has unexpected consequences. Let's be frank; there is patriotism on both sides of this debate. So let me tell you what I believe about patriotism.

Patriotism—I know how it feels to be proud to be an American. I remember how I felt back in 1964 when the United States Olympic basketball team defeated the Soviet Union in the finals—I remember standing on the victory stand, with the gold medal around my neck, chills running up and down my spine, as the flag was raised and the national anthem played.

I was proud to have won—for myself and for my country.

Patriotism—it is like strength. If you have it, you do not need to wear it on your sleeve.

The patriot is not the loudest one in praise of his country, or the one whose chest swells the most when the parade passes by, or the one who never admits we could do anything better.

No, a patriot is one who is there when individual liberty is threatened from abroad, whether it is World War I, World War II, Korea, Vietnam, or even the wrongheaded action in Beirut in 1983—yes, that too. All those who served in these conflicts were defending liberty as our democracy chose, in its sometimes fallible way, to define the need to defend liberty.

But you do not need a war to show your patriotism. Patriotism is often unpretentious greatness. A patriot goes to work every day to make America a better place—in schools, hospitals, farms, laboratories, factories, offices, all across this land. A patriot knows that a welfare worker should listen, a teacher should teach, a nurse should give comfort. A patriot accords respect and dignity to those she meets. A patriot tries, in a secular as well as a spiritual sense, to be his brother's keeper.

When the only grandfather I ever knew came to America, he went to work in a glass factory. He worked with his hands, and he worked long and hard. After work he lived for three things: The first thing he lived for was going to the public library on a Saturday night to check out western novels, which he would read and reread over and over again. The second thing he lived for was to sit on his front porch on summer nights with a railroad whistle in the background and listen on the radio to his real love, baseball. And the third thing he lived for was to tell his grandson—me—what America meant to him.

He said America was great because it was free and because people seem to care about each other. Those two, freedom and caring, are the two inseparable halves of American patriotism. As Americans who love our flag, we must not sacrifice the substance of that freedom for its symbol, and we must learn to care more about each other. We must not restrict our fundamental freedom. To do so, I believe, would betray the meaning of the oath I took to support the Constitution and the promise I made to myself to always do what I thought was right.

I oppose this amendment.

Mr. LEVIN. Mr. President, I cannot support the proposed constitutional amendment. I detest flag burning, but I also love the U.S. Constitution.

This country stands for a set of ideals of human freedom that are embodied in the Constitution and the Bill of Rights, and symbolized by the American flag. There are a handful of individuals who hold these ideals in such

disrespect that they choose to express their hostility by taking a copy of the Constitution—or the flag—and burning it or tearing it up. The Supreme Court has ruled that however despicable this action may be, our Constitution protects these misguided individuals in the expression of their views—just as it protects the expression of hateful and despicable ideas by other misguided individuals.

As much as I revere the flag, I love the Constitution, the Bill of Rights, and the liberties that are enshrined in them. In a 1989 Washington Post article, James Warner—who was captured and held as a prisoner of war by the Vietnamese—eloquently explained the vital importance of the principles of freedom embodied in our Bill of Rights. Mr. Warner stated:

I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said. "People in your country protest against your cause. That proves that you are wrong."

"No," I said. "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us."

I cannot let the despicable actions of the few who choose to express their misguided impulses by attacking our flag cause me to amend the Constitution and the Bill of Rights that have served us so well for 200 years. To do so would be to enable those few individuals to achieve something that no power on earth has been able to accomplish for over two centuries—to force us to modify the basic charter of our liberties that are guaranteed in the Bill of Rights.

Our Constitution has been amended only 17 times since the adoption of the Bill of Rights in 1789. The Bill of Rights itself has never been amended. A constitutional amendment is an extremely serious step, which is justified only to address a grave national problem. In this case, the proposed constitutional amendment is directed at an extremely small number of cases that have had no discernible impact on the health or security of the Nation. As the Port Huron Times Herald pointed out on October 14—

Less than a handful choose flag-burning as their means of protest. It is so distasteful a display that no clear-thinking citizen could endorse it.

We should not agree to amend the Bill of Rights, which protects our most basic freedoms, to address the extreme behavior of a few erratic individuals.

I also do not believe that the proposed amendment is likely to succeed in actually protecting the flag in any case, because people who are so deluded or misguided as to burn a flag simply to get our attention are no less likely to do so just because there is a law against it. Indeed, they may be more likely to burn the flag if they believe that violation of a constitutional

amendment will attract more attention to their antics. As the Traverse City Record-Eagle stated on November 2, a constitutional amendment—

... won't even stop those few people who want to raise a ruckus by burning the flag from doing so. In fact, the extra attention a constitutional amendment would focus on the act might even encourage it.

Mr. President, the proposed amendment, as drafted, could also be easily evaded. The amendment does not define the flag. Does it cover Jasper Johns' famous painting of overlapping flags? Does it apply to a T-shirt with a picture of the flag on it? How about wearing a flag T-shirt with holes in it? Is a 49-star flag a flag of the United States? Does it apply if a flag is hung upside down? Would it prohibit the use of the flag in commercial advertisements? These questions, and dozens like them, would be left unanswered.

So the amendment would not only amend our Bill of Rights for the first time, it would do so without realistic prospect of successfully preventing the offensive activity at which it is directed.

Senator BIDEN's substitute amendment, unlike the underlying proposal, would at least address the objective actions of a person who burns or destroys a flag, rather than the subjective state of mind of that individual. I voted for the Biden alternative because it is preferable to the underlying proposal, even though it does not correct most of the problems that I have outlined.

Flag burning is reprehensible. If we could bar it by statute, without amending the bill of rights, I would do so. Indeed, I have voted for a flag-burning statute in the past and I voted for the McConnell-Bennett-Dorgan statute when it comes up for a vote. But I am not willing to tinker with our Bill of Rights and for this reason, I cannot vote for final passage of the proposed constitutional amendment.

In my view, Mr. President, we can show no greater respect to the flag than by showing contempt for those who disrespect it, while preserving the freedoms for which it stands. The constitutional amendment that is before us today is the same amendment that I voted against in 1990. My position has not changed, and I shall again vote against this proposed amendment.

Mr. SMITH. Mr. President, I rise in support of Senate Joint Resolution 31, the flag protection constitutional amendment. As an original cosponsor of Senate Joint Resolution 31, I am pleased to see that this important measure will be coming before the Senate for a final vote today.

Mr. President, the flag of the United States is the central, unifying, and unique symbol of our great Nation. Throughout our history, tens of thousands of Americans have given their lives while serving under our flag in time of war. In my own family, my father, Donald E. Smith, died in a Navy



service-related incident during World War II. My family was presented with his burial flag. That flag means a great deal to us.

Desecrating the American flag is a deliberately provocative act. It is also an attack on the Nation itself, as symbolized by our flag. Such acts do not merit the protection of the law. On the contrary, those who commit them deserve to be punished by the law.

Mr. President, this constitutional amendment ought not to be necessary. The need for it became clear, however, when the Supreme Court of the United States struck down as unconstitutional both a State and a Federal flag protection statute. The Court held that such statutes violate the free speech protections of the first amendment to the Constitution.

I strongly disagree with those Supreme Court decisions. As the Court itself has recognized, our Nation's treasured right of free speech is not absolute. One does not have the right to yell fire! in a crowded theater, for example. In exceptional cases when the Government's interests are sufficiently compelling, the right to free speech may be carefully circumscribed. The Government's interest in protecting our Nation's central, unique symbol are sufficiently compelling, in my view, to justify limiting the right of political dissenters to desecrate the flag.

Mr. President, while the great Constitution that the Founders framed has survived many tests, it also has been amended 26 times. The people of the United States are not forced to accept a Supreme Court decision with which they fundamentally disagree. The Constitution itself grants the people, as represented by the Congress and the State legislatures, the right to amend it in order to reverse erroneous decisions by the Court.

I recognize that amending the Constitution is serious business. That is why we took the intermediate step of fashioning a Federal flag protection statute in the wake of the Court's decision striking down Texas's State law. When the Court also struck down the Federal statute, we had no choice but to move forward with this flag protection constitutional amendment.

Mr. President, I urge my colleagues to vote in favor of this constitutional amendment authorizing the Congress to enact legislation to protect our Nation's great flag. I am optimistic that this measure can be passed by the requisite two-thirds majority of the Senate today and will be submitted to the States for prompt ratification.

Thank you, Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I am proud to join Senators HATCH and HEFLIN to urge passage of the proposed constitutional amendment granting Congress the power to prohibit the

physical desecration of the flag of the United States.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. Our free speech rights do not entitle us to simply consider the flag as personal property, which can be treated any way we see fit including physically desecrating it as a legitimate form of political protest.

We debate this issue at a very special and important time in our Nation's history.

This year marks the 50th anniversary of the Allies' victory in the Second World War. And, 54 years ago last week, Japanese planes launched an attack on Pearl Harbor that would begin American participation in the Second World War.

During that conflict, our proud marines climbed to the top of Mount Surabachi in one of the most bloody battles of the war. No less than 6,855 men died to put our American flag on that mountain. The sacrifice of the brave American soldiers who gave their life on behalf of their country can never be forgotten. Their honor and dedication to country, duty, freedom, and justice is enshrined in the symbol of our Nation—the American flag.

The flag is not just a visual symbol to us—it is a symbol whose pattern and colors tell a story that rings true for each and every American.

The 50 stars and 13 stripes on the flag are a reminder that our Nation is built on the unity and harmony of 50 States. And the colors of our flag were not chosen randomly: red was selected because it represents courage, bravery, and the willingness of the American people to give their life for their country and its principles of freedom and democracy; white was selected because it represents integrity and purity; and blue because it represents vigilance, perseverance, and justice.

Thus, this flag has become a source of inspiration to every American wherever it is displayed.

For these reasons and many others, a great majority of Americans believe—as I strongly do—that the American flag should be treated with dignity, respect and care—and nothing less.

Unfortunately, not everyone shares this view.

In June 1990, the Supreme Court ruled that the Flag Protection Act of 1989, legislation adopted by the Congress in 1989 generally prohibiting physical defilement or desecration of the flag, was unconstitutional. This decision, a 5-4 ruling in *U.S. versus Eichman*, held that burning the flag as a political protest was constitutionally protected free speech.

The Flag Protection Act had originally been adopted by the 101st Con-

gress after the Supreme Court ruled in *Texas versus Johnson* that existing Federal and State laws prohibiting flag-burning were unconstitutional because they violated the first amendment's provisions regarding free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens.

When considering the issue, it is helpful to remember that prior to the Supreme Court's 1989 *Texas versus Johnson* ruling, 48 States, including my own State of Maine, and the Federal Government, had anti-flag-burning laws on their books for years.

Whether our flag is flying over a ball park, a military base, a school or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great Nation was built on. And our flag has come not only to represent the glories of our Nation's past, but it has also come to stand as a symbol for hope for our Nation's future.

Let me just state that I am extremely committed to defending and protecting our Constitution—from the first amendment in the Bill of Rights to the 27th amendment. I do not believe that this amendment would be a departure from first amendment doctrine.

I strongly urge my colleagues to uphold the great symbol of our nationhood by supporting Senator HATCH and the flag amendment.

Thank you very much.

Mr. KEMPTHORNE. Mr. President, I rise today to express my firm support for Senate Joint Resolution 31. As an original cosponsor of this resolution proposing a constitutional amendment to prohibit the desecration of the flag, I believe enactment of this resolution is an important step in restoring the right of this society to protect the symbol of our Nation.

Mr. President, the people of Idaho have clearly expressed their desire to be able to protect Old Glory. I am pleased to note the Idaho State Legislature passed a resolution to this effect 2 years ago. In asking the Congress to present an antiflag desecration amendment to the States for ratification, the Idaho Legislature stated, "... the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal...".

Some have claimed the passage of this resolution will weaken the sanctity of the first amendment. To these people I would ask, was the first amendment weak during the first 198 years after its ratification? Until the Supreme Court ruled flag desecration to be protected free speech in 1989, 48 States and the Federal Government had statutes which penalized an individual for desecrating the flag. I do not believe the time in our Nation's history prior to 1989 may realistically be viewed as a dark period in which Americans were denied their constitutional rights. The truth is, protecting the flag of the United States has long been a proud part of our national history. What we are attempting to do today is preserve that history.

In fact, I believe it is interesting to note that the Supreme Court specifically noted in 1974 *Smith versus Goguen* that flag desecration was not protected speech under the Constitution. In overturning a Massachusetts State law which protected the flag, the Court ruled that the problem was the vagueness of the State law, not the underlying principle of the law. The Court went on to say, "Certainly nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags." The Court further noted that the Federal flag desecration law, which was in effect at the time, was acceptable because it prohibited "only acts that physically damage the flag." This law remained in effect until the Court's 1989 ruling.

As a member of the Senate Armed Services Committee, I have had the opportunity to meet the men and women of our Armed Forces around the world. These individuals put their lives on the line regularly, so that we may live in peace and safety. And while they are serving us, the American public, they do so under the Stars and Stripes. For those who are stationed overseas, the flag represents the rights and freedoms which they stand prepared to defend, even while on foreign ground. It also stands for their home, the Nation which proudly awaits their return when their duties are completed. For those who have finished their service to their country, the flag is a constant reminder that the ideals for which they fought still live, and that their sacrifices were not in vain.

Mr. President, I do not believe any of us here today wants to limit or restrict the right of Americans to speak out in an appropriate manner. In fact, numerous Members of this body on both sides of the aisle have taken advantage of this right to speak out against Government policies, and, undoubtedly, will continue to do so whether or not they are Members of the Senate. I simply believe the physical mutilation of the flag falls outside the range of speech which should be protected. I also be-

lieve the citizens of the United States should have the opportunity to decide for themselves, whether they also feel the flag deserves special protection. That is what this resolution is all about. And it is this principle that I ask my colleagues to support today.

Mr. HEFLIN. Mr. President, I rise today in support of the resolution to amend the Constitution of the United States to protect the American flag. We have recently revised the language in order to address the concerns of a few of my colleagues. They have voiced reservations about allowing behavior toward the flag to be governed by a multiplicity of State laws. The language we have added to the amendment establishes that Congress, and not the States, must adopt a uniform standard for prohibited conduct as well as for a definition of the "flag of the United States." I believe the amendment as it now stands is strengthened by these revisions.

Although much has been said about how this amendment will put a muzzle on the first amendment, this is not true. The adoption of this amendment will not diminish the first amendment's hallowed place among our liberties. Prior to the Supreme Court's decision in *Johnson*, the majority of the States had laws on their books which banned the desecration of the American flag. Prior to *Johnson*, free speech under the first amendment flourished, including unpopular opinions and political speech. I do not expect this to change once the amendment is adopted.

The opponents have hinged their fight against this amendment on the decisions of the Supreme Court in two opinions. First is the case of *Texas versus Johnson*, a 5-to-4 decision, in which the Court held that a Texas statute protecting the flag granted it special legal protections which offended the Court's concept of free speech. Second is *United States versus Eichman*, in which the Supreme Court, again in a 5-to-4 decision, struck down a content neutral statute enacted by the Congress following the *Johnson* decision.

In their dissent in *Johnson*, the Justices make clear the reasoning that I believe is behind many of the supporters of the amendment. Chief Justice Rehnquist for himself and Justices O'Connor and White stated:

For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way respondent *Johnson* did here.

It is the flag's uniqueness which we realize makes it more than simply a piece of cloth that needs special protection. It is a symbol that stands for patriotism, love of country, sacrifice, freedom—values that are the essence of what it means to be an American.

Senator McCONNELL has introduced a bill, S. 1335, which is designed as a stat-

utory protection for the flag. While I appreciate the efforts of the Senator from Kentucky, I do not believe that a statute would be upheld under the strict scrutiny of the Supreme Court. The Court in *Eichman* was clear that no statute will pass muster if it singles out the flag of the United States for protection against contemptuous abuse.

S. 1335 invokes the fighting-words doctrine, and seeks to punish any person who destroys a U.S. flag "with primary purpose and intent to incite or produce imminent violence or breach of the peace." According to legal experts, the Supreme Court in *Johnson* expressly rejected the application of the fighting words or imminent breach of the peace rationales offered by the Texas statute. This precedence in hand along with other recent decisions of the Court will not allow this statute, if passed, to stand.

It has been suggested that a statute which is facially neutral or content neutral could survive the strict scrutiny of the Supreme Court; I do not believe that is so. First, for the statute to be truly facially neutral it would have to ban any and all forms of destruction of the American flag. Second, a facially neutral statute which did not permit an exception for disposal of a worn or soiled American flag by burning would not be desirable nor acceptable to most Americans.

Unfortunately, for the statute to be truly content or facially neutral, it could not allow for any intentional destruction of the flag, including the burning of a worn or soiled flag. Any variation from completely neutral language would undermine the entire statute and, in all likelihood, would be found to be in violation of the first amendment under the Court's strict scrutiny test.

During the debate surrounding this amendment, a question has been raised as to precisely what conduct is prohibited under the amendment. It has been claimed that by using the term "desecration," we would outlaw almost any use of the flag or its image outside of displaying it in a parade or on a flag pole. I think that this is an incorrect and unfair interpretation of the conduct we are attempting to prohibit.

Those who interpret the language as overly broad have suggested that this amendment should be limited to outlawing only the burning, mutilation, or trampling of the flag. Although these are acts which I find despicable, I find acts such as spitting, urinating, wearing the flag as underwear to be equally outrageous. Unfortunately, under the limitations some have suggested to the amendment, these acts would be allowed. I do not think that this is what the American people had in mind in their support of this amendment.



Since the Supreme Court persists in striking down State and Federal statutes, regardless of how carefully crafted those statutes are, we have no alternative. The only avenue which remains open for protecting the American flag from desecration is through the procedure required to amend the Constitution of the United States. This procedure is difficult, and for very good reasons. The last time an amendment was ratified was almost 4 years ago; that was the 27th amendment, which took over 200 years to ratify.

Because of the sanctity of the Constitution, I do not take lightly an amendment, but as I stated, we have no alternative. I believe that the citizens of this Nation do not want to see the Constitution amended in most instances, but I also believe that they have shown through their actions that the protection of the flag is an important issue. Those actions include the grassroots support of groups such as the Alabama Department of Reserves Officers Association of the United States, which passed a resolution urging the U.S. Congress to pass this amendment.

I urge my colleagues to vote in favor of passage of this resolution. By voting in support of this resolution we send this matter to the States and let the people in each State make the final decision on this important matter.

Mr. SPECTER. Mr. President, I approach any constitutional amendment with hesitancy—especially one induring the first amendment.

At the outset, I believe there is a major difference between an amendment seeking to change the text of the first amendment—as is now pending in the House of Representatives on freedom of religion—and one to overrule a decision of the Supreme Court of the United States.

For me, a 5 to 4 decision on flag burning does not merit the difference due the language of the Bill of Rights. There is nothing in the text on freedom of speech requiring protection for flag burners. While their speech will still be protected, their acts will be prohibited.

In a somewhat analogous context, I have sponsored and pressed for a constitutional amendment to overturn the Supreme Court's decision in *Buckley versus Valeo*, which extended the protection of freedom of speech to an individual who spends unlimited amounts of his or her own money for a candidacy for public office.

It is accepted that freedom of speech is not absolute or unlimited. Justice Oliver Wendell Holmes articulated the classic statement that a person is not free to cry fire in a crowded theater. In a similar vein, the Supreme Court has interpreted the first amendment to exclude from its protection incitement to imminent lawless action, fighting words, obscenity, libel, and invasions of privacy.

Based on the precedents and general principles of constitutional interpretation, it is my judgment that *Texas versus Johnson* was incorrectly decided. The burning of the flag is conduct—not speech. I have great respect for robust debate to the extreme. But a speaker may express himself or herself with great vigor without insults or expressions that would be reasonably interpreted as fighting words.

Since I studied *Chaplinsky versus New Hampshire* in law school, I have been impressed with the import of the fighting-words doctrine. In *Chaplinsky*, the defendant was criminally charged when his speech angered a mob and almost caused a riot. He claimed his speech was protected by the first amendment. The Supreme Court unanimously rejected his argument, holding:

... the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

I take a back seat to no one in protecting constitutional rights and civil liberties. For years I have stood against those who have sought to strip the Federal courts of their jurisdiction to hear constitutional cases involving subjects such as school prayer and busing. I have opposed efforts to breach the wall of separation between church and state and to weaken the exclusionary rule. Earlier this year, I opposed proposals in the counterterrorism bill to expand wiretap authority and to deport aliens using secret evidence in violation of the basic norm of due process.

Our law acknowledges and respects expectations. People have real, legitimate and reasonable expectations that the flag of the United States will be treated with honor and respect.

Some of the Supreme Court's most liberal Justices, the greatest defenders of our civil liberties, have forcefully held flag burning is not protected speech. Chief Justice Earl Warren:

... the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace.

Justice Hugo Black, the ardent exponent of first amendment absolutism:

[I]t passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

Justice Abe Fortas articulated:

... the reasons why the States and the Federal Government have the power to protect

the flag from acts of desecration committed in public.

The Bill of Rights has a special sanctity in establishing our Nation's values. There is no part of the text of the Bill of Rights which I would agree to amend.

While substantial deference should be given to Supreme Court decisions on constitutional interpretation, there are some circumstances where amendment is warranted, especially on split decisions like the 5 to 4 vote in the flag-burning case.

Like fighting words in *Chaplinsky*, libel in *Sullivan*, incitement of imminent lawless action in *Brandenburg*, and invasion of privacy in *Cantrell*, my judgment is that flag burning is not constitutionally protected by the first amendment.

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This is a trend that has had a negative impact on our politics and on the relationship between the Government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, have made it more difficult for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to attend a PTA meeting, march in a parade—or even join a bowling league, as one Harvard professor's study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the U.S. flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle to fight for our Nation, they march under the banner of the flag; each day when our children go to school, they

pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic area.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by Iranian fundamentalists during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the fabric of our national life.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment will only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag and the values it represents belong to all of us; in a sense, it is community property. "We the people" maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that "mutilates, cuts, defaces, disfigures, or perforates" a dollar bill can be fined or put in jail for 6 months. Similarly, in *O'Brien versus United States* the Supreme Court upheld the conviction of a protestor that burned his draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech.

This first amendment absolutism, however, is contrary to our constitu-

tional tradition. The list of types of speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting words, child pornography, deceptive advertising, inciteful speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment's restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted one could still write or say anything about the Government; one could still burn a copy of the Constitution or effigies of political leaders; indeed, one could put a picture of a flag being burned on the Internet and circulate it to millions of people across the world with the push of a button.

Recall the words the protestors chanted while Gregory Lee Johnson set a flag on fire and gave rise to this entire controversy: "Reagan and Mondale, which will it be? Either one means World War III. Ronald Reagan, killer of the hour, perfect example of U.S. power. America, the red, white, and blue, we spit on you, you stand for plunder, you will go under." So regardless of whether we have a flag amendment, there are a multitude of ways to heap contempt on the government, should one choose to do so. The effect of the amendment on free expression would be negligible.

I also want to take issue with the contention that our liberal tradition prohibits us from ever making substantive value judgments about what is good speech and what is not or that we must always remain indifferent or neutral with respect to the ideas and images that bombard us over the airwaves or through the media.

Senator DOLE touched on this in a speech he gave earlier this year criticizing the violent movies being produced in Hollywood these days. It isn't inconsistent with the first amendment to speak out against movies that contain dozens of shootings, or gruesome acts of violence that are then copied in real life only days after the initial screening. It isn't an act of government censorship for politicians to criticize music containing lyrics that denigrate women, glorify cop killers as role models, and promote racial divisiveness.

Likewise, it is not government censorship when the people amend the Constitution to prohibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant exercising power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process

set forth in article V of the Constitution, "We the people" will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by the people that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in almost every constitutional case it decides. Why is it that we have no qualms about deferring to the value judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution?

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that the people will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, I trust the people. They understand the value of liberty. They understand that the only way for truth to emerge is through the exchange of ideas. They understand that it is a slippery slope from government-controlled censorship to tyranny. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be improved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens' opinion in *Texas v. Johnson*. He said:

The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate.

Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it. That tarnish is not justified by the trivial burden on free expression occasioned by requiring an available, alternative mode of expression, including words critical of the flag, be employed.

So I support this resolution to send the flag protection amendment to the States for ratification. And I urge my colleagues to support it as well.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

I ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.



The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I yield myself such time as I may consume.

How much time do we have on this side?

The PRESIDING OFFICER. Nine minutes.

Mr. GLENN. Mr. President, I gave a more lengthy speech on this subject last Friday. In fact, I talked for about an hour, I guess, because I felt strongly about what was going on with this piece of legislation. Rather than repeating those remarks of last Friday, I call attention to an article that appeared in the Cleveland Plain Dealer earlier this year by a columnist, Dick Feagler, a friend of ours who I have known for a long time. Dick writes sometimes with a humorous bent and a serious twist to it at the same time.

I read this into the RECORD in the time I have remaining here because I think it pretty much says it all. The title is, "Flag Should Stay Sacred in Our Minds, Not Law." His article goes on like this:

Here they go again. Congressional Republicans, backed by some Democrats, are pushing for a constitutional amendment against burning the flag.

That old bandwagon has more miles on it than your grandma's Edsel. But there are always plenty of new passengers eager to hitch a ride. In our area, freshman Congressman Steven C. LaTourette has climbed aboard for a short trip toward the spotlight of reason.

Every four years or so, I have to write a column about this issue and it always makes me feel bad. I am a flag guy. I was raised on John Wayne movies. I feel good on the Fourth of July, and humble on Memorial Day. I am the kid who, at age 12, slipped a sternly worded note under the door of a merchant who never took his flag down at sunset. There's a grand old flag flying next to my front door 20 feet from where I'm writing this—

So every time this comes up, I ask myself, why don't I just go along with it. It would be so much easier. It would make me feel proud and patriotic and as American as a Marysville, Honda. Why not just support changing the Bill of Rights to keep Old Glory safe from the punks and the fanatics?

Well, because it's dumb, that's why. That's one reason. There's a deeper reason, but I'll deal with the dumbness first. After all, as some of you keep reminding me, I've got enough dumbness in me now without increasing my inventory.

If we make it against the law to destroy a flag, exactly what kind of flag are we talking about? Are we only talking about the official flag, made, I believe, in Taiwan, that you buy at the post office? How about the flag my father still has with 48 stars on it? Is that still THE flag?

Suppose I run up a flag on my Singer and leave off a couple of stripes and a handful of stars? If I burn that, will I land in federal court? Who would go to that much trouble, you ask? Pal, you don't know your punks and fanatics.

How about if I draw a flag on a piece of paper? Can I burn that? Suppose I draw it in black and white but it is still unmistakably a flag? Does it count? How about those little flags on toothpicks you stick in cocktail weenies? If I singe one of those will the FBI

come vaulting over the patio hedge to nail me? Are we going to write a brand new amendment to the Constitution the covers the flag on the seat of a biker's britches? Is a flag decal a flag?

Back in the '60s, I covered a dozen rallies where people burned their draft cards. The frequency of draft-card pyromania was so great that nobody bothered to apply for a replacement. When the hippie at the microphone announced it was arson time, the protesters just lit anything they weren't planning to smoke. If I announce I'm burning a flag, does that count, even if I'm not?

Who is going to write the constitutional amendment that sorts all this out? It's beyond my poor powers, Yank George M. Cohan is dead, and even if he was still with us, I doubt he could do better than a C-minus with this assignment.

I said there was a deeper reason. And there is.

you can't destroy the flag. Nobody ever has.

The British tried it twice and gave up forever. The South ripped the flag in two and slipped their half, but we glued it back together with the blood of Gettysburg and Chattanooga. The flag always came through, just like the song about it says.

The Kaiser couldn't damage it. Hitler couldn't; Mussolini couldn't; Tojo gave it a really good try, but he couldn't. The flag survived the Chosen Reservoir and the Mekong muck.

And after all of that, we think we need a constitutional amendment to protect it from some crazy-eyed young idiot with a Bic to flick and a mouth full of narcissistic anti-government claptrap? We think that one match and a TV camera can do something that 200 years of world-class thugs couldn't do? I hope we have more faith than that.

Once in one of my lengthening number of yesteryears, it was my job to remove flags from the caskets of dead soldiers and fold them and present them smartly to mothers and widows. Those were always emotional moments.

But I never thought I was handing over THE flag in exchange for a young man's life. Both I and the woman behind the veil knew that the flag worth dying for is the big one you can't see or touch but you know is there. Right up there under God, like it says in the Pledge of Allegiance.

The only kind of help that flag needs from Congress is a nation worthy of it.

That concludes his writing. It was in the Plain Dealer earlier this year. I think that pretty much says it all.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 8 seconds.

Mr. GLENN. Mr. President, I could not add a whole lot to that.

Let me say this. I do not know how we administer this thing if we do have it put into effect. I always thought we were supposed to be one Nation—one Nation—not a nation that passes amendments that says we are going to break this up and let 50 States make up their own minds about how they want to treat the flag. I think that is our job here, and I think we do it for the Nation right here. I think it is a mistake to let all this go out to the States.

I remember back in 1976 we were celebrating the Bicentennial and we had bi-

kinis, flag bikinis advertised in papers. I remember once watching a rock and roll concert that year, and it was quite a spectacle. It was one to make your blood boil, because the lead guitarist, who was bared from the waist up, did not have a shirt or anything on, but he is going at it and strumming and banging away on this thing. Pretty soon his pants started to slide down, and, lo and behold, you guessed it: He had flag shorts on. The audience went wild.

I find that more objectionable than I do some of the things we are talking about, to protect the flag here from burning it. I do not know whether body fluids get spilled on the flag in situations like that, with the bikinis or whatever. But I find that reprehensible. Is that covered under something like this? We are leaving this up to 50 different States, yet we quote a Pledge of Allegiance that says "one Nation"—one Nation, not a Nation of 50 separate entities, all free to make their own rules about how they want to treat the flag—"under God, indivisible, with liberty and justice for all." We do not say just for some and not for others, and we do not say the flag should have different treatment in different parts of the country either.

So I disagree with this approach that says there is such a big problem out there we somehow need to do something, passing a constitutional amendment to take care of a nonproblem, really. There is not a great, huge rash of flag burnings out there that showed disrespect for the flag. I was told there were none last year. Then I was corrected by some of the veterans who visited me in my office a few days ago last week, and they said, no, they could verify there were three flag burnings this year.

We have just under 270 million people in this country. That means one offense for every 90 million people. I really do not see that as being a tremendous problem for our country. We have a solution here out looking for a problem to solve. That does not make much sense to me.

The flag symbolizes the freedoms we have. It is not the freedoms themselves. It is not the freedoms themselves, and those are the things that are important. Everyone on both sides of this issue, both sides of the aisle love and defend the flag, and if anyone came in here and tried to burn a flag right here there would be enough people to attack that person, I can guarantee you, that we would take care of it ourselves. That is the way most of these things will be taken care of back in our individual States.

Without a doubt, the most important of the values are covered in the Bill of Rights. If we had not had that Bill of Rights put together, you know some of the States were prepared to not approve the Constitution of the United States. In that very first amendment

we cover some very, very sacred things. We say in that very first amendment, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech"—which is deemed to mean other examples—"or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." That is all there is in that article. It covers those things, but how important they are. Without that, we would not have had a Constitution of the United States.

My time is up, Mr. President. If anyone wishes to look at my remarks in more detail, the CONGRESSIONAL RECORD of last Friday has it complete. My time is up and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, the July 24, 1995, Washington Post published a letter from Donald D. Irvin of Fairfax, VA. He wrote:

It is regrettable that a constitutional amendment to protect the flag is necessary as a way to express the will of the people in response to the misconception of the Supreme Court. But this is hardly the first time that this has had to be done.

For example, the Dred Scott decision had to be corrected by the 13th and 14th amendments. Neither should have been necessary, but while the Supreme Court is an indispensable branch of government, on occasion the people have to "explain" the Constitution to it.

Although it is not incorporated within the text of the Constitution itself, Americans cite the pledge of allegiance to the flag "and to the republic for which it stands." The republic is based upon the Constitution, which all naturalized citizens and those serving in military and official positions are sworn to defend. While native-born citizens are not otherwise required formally to make such an oath or to pledge allegiance to the flag—and indeed are free to refuse to do either without legal sanction—neither should they be free physically to desecrate the ultimate symbol of the Nation. . . .

There always will be a few demented souls who may desecrate the flag or violate any law. But arcane legal theories aside, too many people have sacrificed their lives for this country so that the rest of us can live free for us not to honor their memory and our allegiance to the republic by expressing through our highest standard of man-made law that Americans will not tolerate the wanton desecration of the one symbol "for which it stands."

I urge my colleagues to heed the commonsense voices of the American people and send this amendment to the States.

#### COMMON SENSE

Mr. President, I know there are lawyers and nonlawyers on both sides of the issue before us. But there has been a fair amount of discussion of legal principles involved in the flag protection debate. Frankly, lawyers sometimes make matters more complicated than they really are. That is one way lawyers drive up their market value.

Sometimes a healthy dose of common sense goes much farther than lawyer talk in illuminating an issue.

In his trenchant dissent in the Texas versus Johnson case in 1989, Justice John Paul Stevens put the same thought this way:

The ideas of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach. If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration. [491 U.S. at 439].

In other words, denying the American people the right to protect their flag defies common sense.

Now, I wish we did not have to do this by constitutional amendment. We should not have to do so to ensure that the people can protect their flag.

I, like Earl Warren, Abe Fortas, Hugo Black, and Justice Stevens, believe the Constitution empowers Congress to protect the flag from physical desecration. But the Supreme Court twice has made clear that the statutory protection of the flag—because it is the flag—will be struck down under its interpretation of the Constitution. We have no choice here. Once the Supreme Court, by the narrowest of margins—5 to 4—orders us otherwise, and slams the door on us—and they did so twice—only the people can reverse that decision. And, in this process as prescribed under Article V of the Constitution, it is now up to the Senate to give the American people the opportunity to do so, if they so choose.

By sending this amendment to the States for ratification, the Senate opens the door to no other amendment, or statute, precisely because the flag is unique. There is no slippery slope here. The flag protection amendment is limited to authorizing the Federal Government to prohibit physical desecration of a single object, the American flag. It thus would not serve as a precedent for any legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique. Moreover, the difficulty in amending the Constitution serves as a powerful check on any effort to reach other conduct, let alone speech which the Supreme Court has determined is protected by the first amendment.

This amendment does not allow Congress to prohibit any thought or point of view, but rather one narrow method of dramatizing that thought or viewpoint—by prohibiting one form of conduct; regulating action, not speech. No speech and no conduct, other than physical desecration of the American flag, can be regulated under legislation that would be authorized by the amendment.

As former Assistant Attorney General Charles J. Cooper testified:

. . . if prohibiting flag desecration would place us on [a slippery slope of restrictions on constitutional protection of expression for the thought we hate.] we have been on it for a long time. The sole purpose of the Flag Protection Amendment is to restore the constitutional status quo ante Johnson, a time when 48 states, the Congress, and four Justices of the Supreme Court believed that the legislation prohibiting flag desecration was entirely consistent with the First Amendment. And that widespread constitutional judgment was not of recent origin, it stretched back about 100 years in some states. During that long period before Johnson, when flag desecration was universally criminalized, we did not descend on this purported slippery slope into governmental suppression of unpopular speech. The constitutional calm that preceded the Johnson case would not have been interrupted, I submit, if a single vote in the majority has been cast the other way, and flag desecration statutes had been upheld. Nor will it be interrupted, in my view, if the Flag Protection Amendment is passed and ratified.

That is the testimony of Charles J. Cooper, who, of course, was Assistant Attorney General of the United States, and is one of the leading constitutional experts here in Washington.

Mr. President, this is an extremely important issue. This issue will determine whether the United States wants to return to the values of protecting its national symbol the way it should be.

Should we pass this amendment today by the requisite 66 votes, there being only 99 Members of the Senate at present, this amendment would then be submitted to the States. We will leave it up to the people as to whether or not they want this amendment. My personal belief is that they will ratify this amendment. Three-quarters of the States, if not all of the States, will ratify this amendment so fast our heads will be spinning. I think the people want this. The polls show they want it. Although I do not believe we should do things just because the polls show it, in this case the polls show that the American people understand that this is a value that they want to maintain and uphold, and rightly so. This is a very important value, and, should we pass this amendment today, we will submit it to the States. And those issues of values, those issues of right and wrong, will once again be debated all over this country. It will be a very, very healthy thing in 1995 and 1996 to have these issues debated 207 years after we thought we were establishing values and virtue through the Constitution of the United States.

In all honesty, that debate needs to take place. It will be a much more effective debate, I think, than we have held here on the floor of the U.S. Senate. I believe it is one that is long overdue, and it could lead to a debate on other values in our society—other principles of good versus bad. I think it would be beneficial to the country to start reexamining some of these



things, some of the permissive things, that we have allowed to occur in this society that have really denigrated our society. Whether to restore legal protection for our national symbol, the American flag, is an issue of such great constitutional import, one that will help us to start that debate.

I hope that our colleagues will vote for it today. I can accept whatever my colleagues do. But I hope they will vote for it. Should we pass it, the great debate on values will start. Should we not pass it, come 1997 we will be back with it again, and I think we will pass it at that time. But let us hope we can pass it today. I intend to do everything I can to see that it is passed.

Might I ask the Chair how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 13 minutes remaining and the opposite side has no time left.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the argument that authorizing the prohibition of flag desecration violates the first amendment is of recent vintage. I have remarked before that the Johnson and Eichman decisions owe far more to evolving theories of jurisprudence than to the first amendment itself.

I think the Members of the First Congress who voted for the first amendment would be astonished to learn, two centuries later, that they had forbidden Congress from prohibiting flag desecration.

It is even more astonishing to believe that those who enacted the 14th amendment's due process clause, through which the first amendment's free speech guarantee has been applied to the States, believed they were forbidding the States from protecting Old Glory.

Indeed, during the Civil War, Congress awarded the Congressional Medal of Honor to Union soldiers who saved the American flag from falling into Confederate hands.

That Members of Congress who awarded the Medal of Honor for such heroics would also strip States of the right to protect the flag from those who would physically desecrate it seems to me to be far-fetched. As I have mentioned earlier, as recently as 1969, even Chief Justice Earl Warren, whose very name is an eponym for judicial activism among conservatives, wrote: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace \* \* \*." (*Street*

*v. New York*, 394 U.S. 576, 605 (1969) (Warren, C.J., dissenting)). Liberal Justice Abe Fortas agreed. And first amendment absolutist Justice Hugo Black was incredulous at the thought that the Constitution barred laws protecting the flag: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." (394 U.S. at 610).

That five Members of the Supreme Court have now said otherwise does not make their constitutional interpretation in this case wise or persuasive, any more than its decisions in the last century that Dred Scott should be returned to slavery, or that separate-but-equal treatment of the races passes muster under the equal protection clause made sense.

The pending amendment overturns the Johnson and Eichman decisions and clearly establishes in the text of the Constitution the power for Congress to protect the flag from physical desecration that those two decisions erroneously took away. It only addresses the Court's misguided, recent flag jurisprudence. It does nothing else; it does not disturb any other theories the Court has used to construe the Constitution.

#### THE AMERICAN FLAG DESERVES LEGAL PROTECTION REGARDLESS OF THE NUMBER OF FLAG DESECRATIONS IN RECENT YEARS

The Clinton administration testified that, in light of what it refers to as " \* \* only a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals." [Testimony of Mr. Dellinger, June 6, 1995 at p. 1] I find that comment simply wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces its symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag and the American flag and burn them both to dramatize a viewpoint. The law currently treats the two acts as the same. How one can say that this legal state of affairs does not devalue the flag is beyond me.

This concern is shared by others. Justice John Paul Stevens said in his Johnson dissent:

"... In my considered judgment, sanctioning the public desecration of the flag will tarnish its value. That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression—including uttering words critical of the flag—be employed. [491 U.S. at 437].

Prof. Richard Parker of Harvard Law School testified after Mr. Dellinger, and in my view, effectively rebutted his argument.

If it is permissible not just to heap verbal contempt on the flag, but to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying our freedom. The flag we fly in response is no longer the same thing. We are told . . . that someone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost.

Second, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Third, whether the 45-plus flags whose publicly reported desecrations between 1990 and 1994 of which we are currently aware, and the ones which were desecrated so far this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens upon tens of millions of people, see or read or learn of them. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

Physical desecration of the American flag has occurred every year since the Johnson decision. I do not believe there is some threshold of flag desecrations during a specified time period necessary before triggering Congressional action. Certainly, critics of the amendment cite no such threshold. If it is right to empower the American people to protect the American flag, it is right regardless of the number of such desecrations in any 1 year. And no one can predict the number of such desecrations which may be attempted or performed in the future.

If murder rarely occurred, would there not be a need for statutes punishing it? Espionage prosecutions are not everyday occurrences. Treason prosecutions are even more infrequent, but treason is defined in the Constitution itself and no one suggests we repeal that provision or treason statutes.

Our distinguished colleague from Alabama, Senator HEFLIN, also responds to the criticism that there are too few flag desecrations to justify an amendment by noting: "in my judgment, this is the time, in a cool, deliberate, calm manner, and in an atmosphere that is not emotionally charged to evaluate values. I think that is something that makes it appropriate to do it now. I [believe] that there have to be in this Nation some things that are sacred." I think my friend from Alabama is absolutely right.

Mr. President, I believe our time is about all up, and I would be happy to

yield it back unless somebody wants to speak.

The PRESIDING OFFICER. I might inform the Senator he has 2 minutes and 30 seconds remaining.

Mr. HATCH. I will be happy to yield it back. I understand the other side's time is consumed.

### RECESS

The PRESIDING OFFICER. If there is no objection, the Senate will stand in recess until the hour of 2:15 this afternoon.

There being no objection, the Senate, at 10:37 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

### FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

#### AMENDMENT NO. 3093

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 3093 offered by the Senator from Delaware. Under the previous order, there are 2 minutes of remaining debate time equally divided.

The Senator from Utah.

Mr. HATCH. Mr. President, I normally would want the distinguished Senator from Delaware to go first, but let me say this. This amendment is doubly flawed. First, it does not offer proper protection to the flag. A veteran writing the name of his or her unit on a flag is a criminal if we pass the statute authorized by this amendment.

Second, we have never in 206 years written a statute into the Constitution. This amendment is a textbook example of blurring the distinction between our fundamental charter, our Constitution, and a statutory code. We cannot do this to our Constitution.

The same amendment was rejected 93 to 7 in 1990. And it has not improved with age. There is a better way to protect the flag: vote down the Biden amendment, and then vote for the Hatch-Hefflin-Feinstein amendment.

Mr. President, I suggest the absence of a quorum.

Mr. BIDEN. I ask that you withhold that request.

Mr. HATCH. I withhold.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I understand we have 1 minute.

Mr. President, I believe that the amendment of my friend from Utah is fatally flawed. For the first time ever, it puts the Federal Government in the position of the State governments of choosing what types of speech they think are appropriate. My amendment protects the flag, plain and simple. It is

straightforward. It does not allow the Government to choose. It defines it. It says the flag cannot be burned, trampled upon. It is very specific.

I ask that my colleagues look at it closely and, hopefully, support it. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3093 offered by the Senator from Delaware. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mrs. HUTCHISON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 5, nays 93, as follows:

[Rollcall Vote No. 597 Leg.]

#### YEAS—5

Biden  
Hollings

Levin  
Nunn

Pell

#### NAYS—93

Abraham  
Akaka  
Ashcroft  
Baucus  
Bennett  
Bingaman  
Bond  
Boxer  
Bradley  
Breaux  
Brown  
Bryan  
Bumpers  
Burns  
Byrd  
Campbell  
Chafee  
Coats  
Cochran  
Cohen  
Conrad  
Coverdell  
Craig  
D'Amato  
Daschle  
DeWine  
Dodd  
Dole  
Domenici  
Dorgan  
Exon

Faircloth  
Feingold  
Feinstein  
Ford  
Frist  
Glenn  
Gorton  
Graham  
Gramm  
Grams  
Grassley  
Gregg  
Harkin  
Hatch  
Hatfield  
Hefflin  
Helms  
Inhofe  
Inouye  
Jeffords  
Johnston  
Kassebaum  
Kempthorne  
Kennedy  
Kerrey  
Kerry  
Kohl  
Kyl  
Lautenberg  
Leahy  
Lieberman

Lott  
Lugar  
Mack  
McCain  
McConnell  
Mikulski  
Moseley-Braun  
Moylanhan  
Murkowski  
Murray  
Nickles  
Pressler  
Pryor  
Reid  
Robb  
Rockefeller  
Roth  
Santorum  
Sarbanes  
Shelby  
Simon  
Simpson  
Smith  
Snowe  
Specter  
Stevens  
Thomas  
Thompson  
Thurmond  
Warner  
Wellstone

#### NOT VOTING—1

Hutchison

So, the amendment (No. 3093) was rejected.

#### AMENDMENT NO. 3095

The PRESIDING OFFICER. The question is on amendment 3095, offered by the Senator from South Carolina.

Under the previous order, there will be 2 minutes of debate equally divided. The Senator from South Carolina is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senator will be in order.

Mr. HOLLINGS. Mr. President, let me acknowledge a misunderstanding.

When I was asked on Friday about the amendment, because I had been stalking my distinguished majority leader, waiting for him to put up a joint resolution all year long, I was asked about amendments, and I told him I had two. They said you would have to be able to debate them on Monday. I said fine. They said there will probably be a time limitation. I said fine.

In no wise was any inference or reference made to relevance. As a result, I understand the distinguished minority leader is going to ask that we vote it down because, when the two leaders, majority and minority, make an agreement, they have to hold fast to their agreements—except, of course, in this case. You cannot take the position of being none whatsoever, because it is not a mistrust of the minority leader. It has been a mistake.

Similarly, if it has been a mistake with this particular Senator, because if I had been asked if it had to be relevant, we would not have a unanimous-consent agreement and would not be voting on the flag.

So we are sort of, as they say in the law, in *pari delicto*. Point 1: It does not necessarily have to be relevant.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DASCHLE. Mr. President, I yield from my leader time, a minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. FORD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. Those having conversations, please take them to the Cloakroom. Others, take your seat. Could I have order in the Senate, please? Will Senators please take their seats or take their conversations to the Cloakroom?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished leader and Members themselves.

Mr. President, I will save the Senate time by withdrawing the one on campaign finance. That is the best evidence that I had relative to the understanding or misunderstanding about relevance.

Point 1: The 10 amendments to the Constitution were originally submitted as 12 amendments, the 11th being the 27th amendment, not relevant, of course, voted on separately. And if a point of order is made, then of course the flag is not relevant to balancing the budget, or balancing the budget is not relevant to the flag. I understand that. But the technical point of constitutional amendments, this has been submitted as a separate article, and on merit I dispute and appeal the ruling of the Chair.

Otherwise, what we have is a glorious opportunity to get No. 1 in the contract performed. They have not been



able to get term limitations or the matter of line-item veto or deregulation, and we can go down the list. But you can get, certainly, this No. 1 in the contract by voting today for a balanced budget amendment to the Constitution, word for word, the Dole amendment—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I ask unanimous consent just to get 2 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Word for word, the Dole amendment with the Nunn amendment to it with respect to the limitation on judicial power. Otherwise, the provision that the protection in section 13301 of the United States Code of laws is not repealed, that protection being for Social Security. Section 7 of the original Dole amendment repealed that section. We voted just 3 weeks ago, by 97 to 2, to instruct the conferees that they not use Social Security moneys. So it brings it crystal clear into view now and into a particular vote.

If you really want a balanced budget amendment to the Constitution, this is a wonderful opportunity, because we had five of us on this side of the aisle sign a letter to that effect.

I thank the Chair.

Mr. DASCHLE. Mr. President, I will just use a couple of minutes of my leader time to reiterate what the distinguished Senator from South Carolina has already informed our colleagues. There was a miscommunication last Friday, as the leader and I were negotiating the circumstances under which we would come to closure on the flag amendment. It was our hope we could avoid votes yesterday, stack votes today, but that was contingent on relevant amendments being offered, with some understanding as to how the time would be divided.

I entered into that agreement recognizing the need for relevancy. As a result, even though I support the amendment offered by the Senator from South Carolina, I will also support the point of order. It is not relevant to this amendment. In spite of its merit, it is not an amendment I can support under these circumstances and given the agreement.

So, therefore, I hope our colleagues could support the agreement and look for another day, when we can support as well the Hollings amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Is all time yielded back?

The PRESIDING OFFICER. All time is yielded back.

Mr. DOLE. Mr. President, I raise a point of order that the pending Hollings amendment dealing with a balanced budget amendment violates the

consent agreement of December 8, which states that all amendments must be relevant to the subject matter of flag desecration.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HOLLINGS. I appeal, Mr. President. I appeal the ruling of the Chair. And, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 598 Leg.]

#### YEAS—91

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Ashcroft	Ford	McConnell
Bennett	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boxer	Graham	Murkowski
Bradley	Gramm	Murray
Breaux	Grams	Nickles
Brown	Grassley	Nunn
Bryan	Gregg	Pell
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Hatfield	Reid
Campbell	Helms	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Dole	Lautenberg	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Exon	Lott	
Faircloth	Lugar	

#### NAYS—8

Baucus	Hollings	Simon
Biden	Johnston	Specter
Heflin	Leahy	

So the ruling of the Chair was sustained as the judgment of the Senate.

#### AMENDMENT NO. 3096 WITHDRAWN

The PRESIDING OFFICER. The question is on agreeing to the Hollings amendment No. 3096.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3097

The PRESIDING OFFICER. The question is on agreeing to the McConnell amendment.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, there is 1 minute to explain the amendment. Is that correct?

The PRESIDING OFFICER. That is correct. The Senate will suspend until there is order in the Chamber.

The Senator from Kentucky.

Mr. McCONNELL. I ask unanimous consent that Senator MIKULSKI be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, my amendment will permit us to protect the flag and the Constitution. My amendment will make flag desecration illegal in three instances:

First, when an individual desecrates a flag with the intent to incite patriotic Americans to imminent violence;

Second, when someone steals a flag belonging to the U.S. Government and desecrates it; and

Third, when someone steals a flag displayed on Federal property and desecrates it.

This amendment differs significantly from previous statutes struck down by the Supreme Court and would be upheld by the Supreme Court, according to the CRS, and a number of other constitutional scholars.

I revere the flag like every Senator, for the history it represents and the values it symbolizes. But let us not constrict freedom in the name of protecting the flag. After all, freedom is the American way of life that the flag embodies. Let us not give flag-burners—the misfits who hate America and the freedom we cherish—more attention than they deserve. Do not let those who dishonor the flag cause us to tamper with the freedom that has made America the Nation we love and the envy of the world.

I urge a vote for my amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has a minute.

Mr. HATCH. Mr. President, the McConnell amendment would displace the flag amendment. It would kill the flag desecration constitutional amendment, the only real way the American people can protect their flag. The McConnell amendment offers a substitute statute. It offers virtually no protection for the flag. It is so narrowly drawn and related to flag desecration in such limited circumstances that it would not have changed the decision in the Johnson case. It does not protect the flag in cases that have not involved the breach of the peace or a flag stolen from the Government or a stolen flag desecrated on Federal property.

Finally, we have been down this dead end before. The Supreme Court will not buy any statute, and it will not buy this statute any more than it bought the 1989 Biden flag statute.

How can we look the American people in the eye if we adopt this ineffective substitute? So the Supreme Court will strike it down. How many times must we have the Supreme Court tell

us that a statute will not work? So I hope everybody will vote "no" on the McConnell amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 28, nays 71, as follows:

[Rollcall Vote No. 599 Leg.]

#### YEAS—28

Akaka	Dorgan	Mikulski
Bennett	Harkin	Murray
Bingaman	Jeffords	Nunn
Boxer	Kerry	Pell
Bradley	Kohl	Pryor
Bumpers	Lautenberg	Sarbanes
Chafee	Leahy	Simon
Conrad	Levin	Specter
Daschle	Lieberman	
Dodd	McConnell	

#### NAYS—71

Abraham	Ford	Lugar
Ashcroft	Frist	Mack
Baucus	Glenn	McCain
Biden	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Breaux	Gramm	Murkowski
Brown	Grassley	Nickles
Bryan	Gregg	Pressler
Burns	Hatch	Reid
Byrd	Hatfield	Robb
Campbell	Heflin	Rockefeller
Coats	Helms	Roth
Cochran	Hollings	Santorum
Cohen	Hutchinson	Shelby
Coverdell	Inhofe	Simpson
Craig	Inouye	Smith
D'Amato	Johnston	Snowe
DeWine	Kassebaum	Stevens
Dole	Kempthorne	Thomas
Domenici	Kennedy	Thompson
Exon	Kerry	Thurmond
Faircloth	Kyl	Warner
Feingold	Lott	Wellstone
Feinstein		

So the amendment (No. 3097) was rejected.

Mr. HATCH. Mr. President, the Senate must now decide: Is this picture of the flag being desecrated freedom or an abuse of freedom? The American people know the difference. They are counting on the Senate to understand it too.

Do not talk to me about flag bathing suits or T-shirts.

This is what we are talking about. This is the unique symbol of our country.

Only Congress will be able to protect the flag. If we do not trust ourselves to protect the American flag in a responsible way, why should the American people trust us to do anything?

The Supreme Court made a mistake. The Framers gave the people and this Senate the right to correct that mistake, through the justifiably difficult amendment process.

Let the American people have the right to enact one, uniform law which protects one symbol of this great country and one symbol only—Old Glory.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use a couple of minutes of my leader time. I know that people have schedules to keep, but I have not had the opportunity to talk on this amendment. I will attempt to be very brief.

I think everyone understands the repercussions and all the ramifications of the vote we are about to take. This is the first time in history that we would amend the Bill of Rights; the first time in 200 years that we would limit the freedom of speech. And the question really is, why? Last year, three people were arrested or called upon to explain themselves for destroying the flag. In 1993, not one incident of flag desecration occurred.

So, Mr. President, this debate is really about protecting principle versus protecting a symbol. Both are important. Both should be protected. But do we really hold the symbol more important than the principle it represents? Is the flag more important than the freedom it stands for? The flag is important, and should be honored. But our basic freedoms, in my view, Mr. President, are clearly more important. For example, if we hold symbols to be more important than the fundamental right of freedom of speech, what about protecting a cross? What about protecting the Star of David? What about protecting a copy of the U.S. Constitution?

The irony here is that we diminish the very freedom the flag represents by protecting its symbol. Shimon Peres, the acting Prime Minister, spoke of this this morning, and he reminded us of how critical it was that we understand what a model this U.S. Constitution is for the rest of the world. He said the reason it is such a model is because it represents tolerance. That was his word, "tolerance." And in a democracy, sometimes we must find the strength to tolerate actions we abhor.

As I was growing up, whether it was with a teacher, a Cub Scout leader, or my family, we all recognized that perhaps the biggest difference between this country and so many others is that here we teach, elsewhere they compel. It is important that, as we vote on this amendment, we understand the difference between teaching and compelling. Let us leave here with every bit as much resolve to go out and teach the young and teach all in this country the importance of protecting and respecting our flag, but let us not, for the first time in 200 years, undermine the Constitution, the Bill of Rights, and the freedom of speech by compelling people today and abrogating their freedom in the future.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, during the past several days, we have heard a

number of important legal arguments, but there has been very little talk about the history of the flag itself.

On June 14, 1777, the Revolutionary Continental Congress decided to create an official and distinctively American flag, passing a resolution declaring that, "The flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars, white in the blue field representing a new constellation."

The colors of the flag were carefully chosen: The red for the sacrifices in blood made for the cause of national independence. The white for the purity of this cause. And the blue for vigilance, perseverance, and justice.

Our Nation was barely 30 years old when it went to war a second time against the British Empire in the war of 1812. As the British fleet attacked Fort McHenry in Baltimore Harbor, the flag waved undaunted throughout the night until the dawn's early light, inspiring Washington lawyer Francis Scott Key to write the words of the our national anthem.

The most tragic chapter in our Nation's history began when the American flag was lowered at Fort Sumter, after a 33-hour bombardment. The Civil War that ensued gave us Barbara Frietchie, whom the poet John Greenleaf Whittier tells us stood face-to-face, eyeball-to-eyeball, with Stonewall Jackson: "Shoot if you must, this old gray head, but spare your country's flag, she said."

Eighty years ago, in 1915, as Europe stood ravaged by World War I, President Woodrow Wilson established June 14 as National Flag Day. The purpose of Flag Day, President Wilson wrote, was to help us "direct our minds with a special desire of renewal to the ideals and principles of which we have sought to make our great Government the embodiment."

One of our most enduring national images comes from the Second World War—the famous picture of six American brave soldiers raising Old Glory at the top of Iwo Jima's Mount Suribachi. Nearly 6,000 Americans gave their lives during their deadly ascent up that hill.

And just 25 years after Iwo Jima, the flag made history again, as it was planted on the Moon by America's astronauts, some 239,000 miles away.

So, the flag itself has a unique and rich history, a history of great sacrifice and great triumph, and one that is the birthright of every American.

Mr. President, there is another point I want to emphasize today: Contrary to what some of my colleagues have said, this debate is not about amending the bill of rights or carving out an exception to the first amendment. It is about correcting a misguided Supreme Court decision that itself amended the bill of rights by overturning 48 State statutes and a Federal law banning the act of flag desecration. Many of these statutes had been on the books for decades, without in any way diminishing



our precious first amendment freedoms.

And if we learned anything in 1989, when we first began this debate, it is that we cannot overrule a Supreme Court decision on a constitutional matter simply by passing a statute. Fixing the Supreme Court's red-white-and-blue blunder requires a constitutional amendment. This is the only serious and honest way to correct the Texas versus Johnson decision.

I respect the efforts of my distinguished colleague from Kentucky, Senator McCONNELL, who has proposed a flag-desecration statute. But as I said back in 1989, the statutory quick-fix just will not work. It failed in 1989, and it will fail again today.

Of course, amending the Constitution should not be taken lightly. This is serious business. That is why the framers intentionally made the amendment process a difficult one, requiring the assent of two-thirds of Congress and three-fourths of the State legislatures. But once these legislative hurdles have been cleared, the American people have spoken. In fact, amending the Constitution is as American as the Constitution itself.

Mr. President, I will conclude today by telling the story of a man named Stephan Ross, who testified earlier this year before the Senate Judiciary Committee.

In 1940, at the age of nine, the Nazis seized Ross from his home in Krasnik, Poland. For the next 5 years, he was held in 10 different Nazi death camps and barely survived.

The U.S. Army eventually liberated Ross from Dachau. As Ross traveled to Munich for medical care, an American tank commander jumped off his vehicle to lend his help to Ross and to the other victims of Nazi brutality. As Ross recounts: "He gave me his own food. He touched my withered body with his hands and heart. His love instilled in me a will to live, and I fell to his feet and shed my first tears in 5 years."

The American soldier then gave Ross what he thought was a handkerchief, but he soon realized it was a small American flag, the first I had ever seen.

Stephan Ross still keeps that same cherished flag at his home in Boston, where he works as a psychologist. Ross says:

It became my flag of redemption and freedom. . . . It represents the hope, freedom, and life that the American soldiers returned to me when they found me, nursed me to health, and restored my faith in mankind. . . . Even now, 50 years later, I am overcome with tears and gratitude whenever I see our glorious American Flag, because I know what it represents not only to me, but to millions around the world. . . . Protest if you wish. Speak loudly, even curse our country and our flag, but please, in the name of all those who died for our freedoms, don't physically harm what is so sacred to me and to countless others.

And, I might add, to those who are now heading for Bosnia.

Stephan Ross is right: We must protect that which is sacred to us as citizens of this great country. Our flag is sacred because it stands alone as the unique symbol of the principles and ideals that President Woodrow Wilson knew bound us together as one nation, one people.

Throughout our country's history, thousands of brave Americans have followed the flag into battle to defend these principles and ideals. Twenty thousand Americans will serve under our flag in Bosnia. As a testament to the great sacrifices made by our fighting men and women, the flag—America's national symbol—should receive the constitutional protection it so richly deserves.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Rollcall Vote No. 600 Leg.]

#### YEAS—63

Abraham	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bond	Gorton	Murkowski
Breaux	Graham	Nickles
Brown	Gramm	Nunn
Bryan	Grams	Pressler
Burns	Grassley	Reid
Byrd	Gregg	Rockefeller
Campbell	Hatch	Roth
Coats	Hatfield	Santorum
Cochran	Heflin	Shelby
Cohen	Helms	Simpson
Coverdell	Hollings	Smith
Craig	Hutchinson	Snowe
D'Amato	Inhofe	Specter
DeWine	Johnston	Stevens
Dole	Kassebaum	Thomas
Domenici	Kempthorne	Thompson
Exon	Kyl	Thurmond
Faircloth	Lott	Warner

#### NAYS—36

Akaka	Daschle	Kerrey
Bennett	Dodd	Kerry
Biden	Dorgan	Kohl
Bingaman	Feingold	Lautenberg
Boxer	Glenn	Leahy
Bradley	Harkin	Levin
Bumpers	Inouye	Lieberman
Chafee	Jeffords	McConnell
Conrad	Kennedy	Mikulski

Moseley-Braun  
Moynihan  
Murray

Pell  
Pryor  
Robb

Sarbanes  
Simon  
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 36. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. McCain. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCain addressed the Chair.

The PRESIDING OFFICER. The Senator will wait until we get order.

#### UNANIMOUS-CONSENT REQUEST

Mr. McCain. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged of further consideration of H.R. 2606 with reference to the use of funds for troops in Bosnia and the Senate then turn to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. McCain. Mr. President, I would like to make known the wishes of the majority leader.

Mr. NUNN. Reserving the right to object.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

#### FLAG DESECRATION

##### CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, while they are resolving this difficulty, let me say a few words about the flag amendment. I ask unanimous consent I be given a few minutes to say a few words about the flag amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend until we get the attention of the Senate. I ask that conversations be removed to the Cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I am, of course, disappointed by the outcome. But I predicted at the beginning unless we got three more Democrats, we were not going to be able to prevail, and we could not do that.

I respect the decision of the Senate. I congratulate those on the other side of the issue.

In particular, I congratulate the most important leader of the opposition. Of course, that is President Clinton. President Clinton won this battle. The American people, in my opinion, lost. The President's strong, uncompromising opposition to any amendment protecting the flag whatsoever, expressed on June 6, in testimony before the Constitutional Subcommittee, was too much for the Citizens Flag Alliance and those of us here to overcome.

Had the President supported this amendment, I have no doubt, we would have prevailed. I do not think there is any question about it. So I congratulate the President on this victory.

I assure my colleagues, this amendment is not going to go away. It is a simple amendment. It is a constitutional amendment. It is written in good constitutional form. Frankly, it is not going to go away. The American people are not going to allow it. We will debate it in the next Congress. I hope we have some changes that will enable us to pass it at that time.

I want to particularly thank Senator HEFLIN and Senator FEINSTEIN for their efforts.

I also thank chief counsel Winston Lett, counsel Jim Whiddon, and a former Heflin staffer who worked very hard on this, Gregg Butrus, now at the Notre Dame Law School. I also want to express appreciation to Senator FEINSTEIN and her counsel, Jamie Grodsky.

On my staff, I want to thank John Yoo, Steven Schlesinger, Jason Adams, and Mark Disler. These people worked long and hard, very sincerely, on this amendment.

This has been not only an important debate but an interesting debate. I think both sides have had a full and fair opportunity to explain their side. I am sorry we lost. On the other hand, we have done the best we can under the circumstances.

Unless there is a change in the U.S. Senate, I do not believe we are going to be able to pass this amendment with the current Senate, so we are hoping in the next Congress we will have enough votes to pass it. Be that as it may, it is going to come up again, whether we do or do not, and we are going to keep bringing it up until we pass it and protect the Nation's national symbol.

I have to say, anybody who really argues this is a denigration of the first amendment just plain does not understand constitutional law, does not understand the more than 21 cases where we have limited the first amendment, and does not understand that this is, full and simple and very plain, to prevent conduct that is offensive to the flag, offensive to the country, and offensive to almost every citizen, and, frankly, the way they have spoken, to every Senator in the U.S. Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take occasion to pay tribute to my senior colleague, Senator HATCH, for his leadership on this debate on the flag amendment. My one regret in this whole debate has been that some people in the State of Utah have characterized this as an issue that has divided Senator HATCH and me and tried to force us into picking sides.

I did, indeed, vote against the amendment. It was a close vote. These votes

are always close matters. My reasoning is that the Constitution of the United States is our basic law and, as such, should be held inviolate from legislative activities.

I realize this was enabling legislation, but I have the fear that, if we start the precedent of amending the Constitution every time there is a Supreme Court decision with which we disagree, we run the risk of seeing the Constitution turned into something other than basic law.

Coming out of a political science background and a lifetime of studying the Constitution, that is where I came down on this particular issue. But I want to make it very clear that I am not backing down from my admiration for and respect for my senior colleague and his scholarship and his leadership.

I hope the people of Utah will understand that this has been an intellectual disagreement between us, and not an emotional disagreement between us. We spent many hours with each other—each trying to understand the other's point of view. I am sure Senator HATCH understands and respects my point of view, as I certainly understand and respect his.

So I hope the people of Utah will understand that this is not something that has driven a wedge between their two Senators.

While I am on the floor, I would like to read into the RECORD just one letter that I have received that I think is illustrative of the way this debate has gone in the State of Utah. The proponents of the amendment have been mounting an advertising campaign in Utah putting up television ads urging the people of our State to contact, write, fax, or phone Senator BENNETT and urge that he vote in favor of this amendment. That, of course, is their appropriate constitutional right. I received this letter in response to that campaign. I would like to read it into the RECORD. It is addressed to the Office of Senator BENNETT regarding the flag burning amendment.

DEAR SENATOR BENNETT: I read the article in this morning's Salt Lake Tribune indicating that your position on the flag burning amendment differs from that of Senator HATCH. I also saw the commercial obviously put on by supporters of the amendment urging that I write you about this issue. I commend you for your independent and thoughtful position as indicated in the Tribune article.

I am a West Point graduate and served with the 3rd Armored Division in Germany and the 5th Special Forces group in Vietnam. I am not in favor of flag burning. But I really don't think we need a constitutional amendment about flag burning. I am strongly convinced that the constitutional provisions should be reserved for only the most important governmental issues, and flag burning just is not such an issue.

I was offended to realize that the television commercial I saw this morning flashed the scene of book burning and a scene of flag burning as if they were the same thing. By my sense of history they are opposite. Book

burning denotes the suppression of ideas by government. Flag burning involves the offensive and distasteful expression of protest against government. Nigeria does not tolerate that. But I hope America always will.

I commend you for your courage in taking the position which I suppose is probably contrary to what the opinion polls would tell you to do. Sounds like political courage to me. Wish there were more of us in Washington.

Very truly yours.

It is signed by Chris Wangsgard. I did not know Mr. Wangsgard before he responded to the commercial by sending me this letter.

I can report that a majority of the calls that I have received in response to the commercial have been in support of the position that I have taken. I am grateful to Mr. Wangsgard and those who have so responded.

But I conclude, again as I began, Mr. President, with a sincere statement of respect and admiration for my senior colleague and an assurance to everyone in the State of Utah that, whereas we differ intellectually on this issue, I do not know of two Senators who have worked together better to represent their home State than Senator HATCH and I. I know no senior colleague who has been more supportive or more helpful to his newcomer in the Senate than Senator HATCH has been.

I want, now that the issue is over and settled, to take the opportunity to make sure the people of Utah understand the high regard that I hold for Senator HATCH and the highest esteem that I hold for his scholarship and his leadership.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few moments.

I want to thank my colleague for his wonderful remarks. They mean a lot to me, and I have an equally strong feeling toward him and realize that he did this as a matter of principle and conscience. And I could never find fault with people who do that. I naturally differ with him on this particular issue, and I am sure we will have some differences in the future. But by and large we support each other, support our State together in a very, very good way, and I am very proud to serve with him. And I appreciate his service here. He is one of the more articulate, intelligent and hard-working people in this body. I personally feel honored to have him as a partner as we work together in the best interest of Utah and this Nation.

So I want to thank him for his kind remarks here today.

#### A VOTE CAST TO PROTECT OUR FLAG

Mr. DORGAN. Mr. President, earlier today, I voted to protect the American flag from desecration. In doing so, I



chose a statute rather than a constitutional amendment to achieve this important objective.

For me and for most Americans, our Nation's flag is a symbol of the principles and values which hold this country together. We are appalled and deeply offended when someone burns or in some way destroys this national emblem of freedom and justice.

Brave men and women have given their lives to protect the flag, to preserve as well the freedom and democracy for which it stands. We owe it to those soldiers to keep our flag from desecration. And we owe them our solemn pledge to protect the Bill of Rights given to us by history's greatest guardian of American liberty: Thomas Jefferson.

But in defending our flag, we should not alter the Bill of Rights, and we should not tinker with language of our Constitution, if a simple, direct law can get the job done.

I cosponsored and cast my vote for just such a law. It protects our flag by punishing those who damage or destroy it. Flag desecration, like shouting fire in a crowded theater, would not be protected by the first amendment. This law passes every constitutional test, according to scholars at the Congressional Research Service.

Protecting America's cherished Constitution and Bill of Rights is every bit as important as protecting our beloved flag. We must do both, and take care not to jeopardize one while seeking to protect the other.

It is a delicate balance, and I believe the bill for which I voted, achieves that important and critical balance.

#### NATIONAL DRUG POLICY

Mr. HATCH. Mr. President, I would like to announce that the Office of National Drug Control Policy has just confirmed that Director Brown will make an announcement at 4:15 today regarding his future career plans. It has been widely reported that he will take a sociology professorship at Rice University in Houston. I wish him well. He is a very fine man.

He was a good selection for this position. I believe he has given his heart and soul to it to the extent that he could. He has done a credible job. But I have to say the administration has barely paid any attention to him and his efforts on this issue.

Unfortunately, under this administration drug control policy is in utter disarray. The number of 12- to 17-year-olds using marijuana has increased from 1.6 million in 1992 to 2.2 million in 1994. The category of "recent marijuana use" increased a staggering 200 percent among 14- and 15-year-olds over the same period. One in three high school seniors now smokes marijuana.

I have to say the President has stood up and condemned smoking cigarettes

but has not condemned smoking marijuana.

One in three high school students now smoke marijuana. There has been a 53-percent drop in our ability to interdict and push back drug shipments in the transit zone between 1993 and 1995. Drug purity is way up, street prices are down, and the number of drug-related emergency room admissions is at record levels.

Federal law enforcement is under a very severe strain, and at the very time that the technical sophistication of the Cali Mafia is reaching new heights. Frankly, of those one in three high school students that are using marijuana, 30 percent of those who do it will try cocaine in the future of their lives. That is just a matter of fact. It is a statistic we know. And this has gone up so dramatically fast that I am really concerned about it.

The Gallup Poll as released today showed that 94 percent of Americans view illegal drug use as either a crisis or a very serious problem. These people are right. We simply need to do better.

As a start, I urge President Clinton to appoint a replacement director at the earliest possible date. It is vital to our Nation's effectiveness against drugs that we have a coordinated strategy against drug abuse in our executive branch of Government. Almost 3 years into the administration no nominee has been forwarded to the Senate for the purpose of ONDCP Deputy Director for Supply Reduction—in 3 years. This position should be filled immediately as well.

I believe that whoever is appointed ought to use that bully pulpit to let the American people know that we have had it up to here with drug abuse in our country, with this cancer that has been eating away at our children, and which, naturally because of the permissiveness of our society, is resulting in more and more drug use. We have to do something about it.

I wish Director Brown, Lee Brown, well. I like him personally. I know how frustrating it must have been. The first thing they did when he took over the Office of National Drug Control Policy was to cut his staff almost completely. Frankly, it is hard to do this job without the backing of the President of the United States. I really do not believe this administration has backed him in the way that they should have backed him. Despite that, he has done the best he could.

I personally want to acknowledge that on the floor. I want to pay my respects to him. I have admiration for him. I think his heart was always in the right place, and I think he did the best he could under the circumstances.

I just hope in these next few years—especially this next year—we do something about this, that we replace him and get a deputy for the next Director as soon as we can, and that we start

fighting this issue with everything we have.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

#### THE BOSNIA ISSUE

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be general debate on the Bosnia issue between now and the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, it is the intention of the majority leader at 6 p.m. pending agreement by the other side to turn to H.R. 2606, which concerns the use of funds for troops in Bosnia.

Mr. President, it is also the intention of the majority leader to have the vote fairly early tomorrow, sometime around noon.

So I urge my colleagues to come to the floor at this time—between now and any time this evening—to debate and discuss this issue. There will be limited time tomorrow. The majority leader asked me to announce that. So I hope that we can get to the bulk of the debate on this issue.

Mr. INHOFE. Will the Senator yield?

Mr. MCCAIN. Let me just finish if I could, and I will be glad to yield to the Senator from Oklahoma.

Right now, the tentative plans are to vote on H.R. 2606, which is the use of funds for troops in Bosnia. Following that, a vote on an amendment by, I believe, Senator HUTCHISON and Senator NICKLES, and many others—Senator INHOFE, Senator KYL—on the issue of a resolution concerning Bosnia, and that would be followed, is tentatively scheduled to be followed by a vote on the Dole amendment, the language of which has not been completely worked out.

That is subject to change. There may be amendments, additional amendments from the other side of the aisle on this issue. The Democrat side has reserved the right to propose additional amendments on that side.

I will be glad to yield to the Senator from Oklahoma.

Mr. INHOFE. The question I had was, is it my understanding there will not be debate time tomorrow before the vote will be taken?

Mr. MCCAIN. I believe there will be debate time, but it will be extremely limited. We would like to have the debate and discussion between now and the hour later this evening. Members wish to stay in to debate the issue.

Mr. President, it is my understanding that the intention is to have general debate on Bosnia until 6, but then from then on, if we take up 2606, continue debate on Bosnia as well as that bill. So I am not sure we need to restrain Members as far as time of speaking is concerned.

I wish to emphasize that tomorrow morning there will not be sufficient time for every Member to speak on this issue, so again I strongly urge as much as possible to have those statements made this afternoon or this evening.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arizona.

Mr. KYL. Mr. President, I would like to begin this debate. I spoke on this floor, I think I was the first Member to speak after the President spoke to the Nation justifying his decision to commit 20,000 ground troops in Bosnia. I indicated my opposition at that time. I wish to reiterate that opposition now and very briefly indicate the reasons why and why I would support at least one and possibly two of the resolutions that will be before us tomorrow.

I was privileged to serve in the House of Representatives during the time that we debated the issue of whether or not to commence the Desert Storm operation. I cannot think of a more serious debate that I participated in while a Member of the House of Representatives. It was an elevated debate in terms of the arguments that were raised on both sides, and I think that everyone felt at the end of that discussion the issue had been thoroughly debated, the good arguments presented on both sides, and I think the right result came from that vote.

This is a similar issue, Mr. President. This is undoubtedly the most serious issue which we have had to debate in this year of the 104th Congress. In the long-term survivability of our country, I suppose one could talk about the balanced budget and those economic issues, but when one considers the possibility of sending young men and women in the Armed Forces into harm's way, all of us I think become very serious about the subject.

On this particular subject, there is no right or wrong in the sense that reasonable people can have differing views. I would like to focus first on what we have agreed on, and I would like to say I know that although my colleague from Arizona, Senator McCAIN, and I may have some disagreement about the ultimate resolution that should be passed in this body, we agree on what we are for, and I think I would also say that in response to Senator BENNETT, who said that no senior Senator had offered more assistance to a junior Senator than Senator HATCH had to him, I would suggest that Senator McCAIN has provided that same kind of assistance to me, and I would wish to commend him for all of his efforts in trying to come to grips with what these resolutions should be all about and how we influence the administration in conducting a sound policy with respect to Bosnia.

All of us, undoubtedly I could say all of us, are for peace in Bosnia, for an

end to the slaughter. Many of us believe we have made a commitment to that with the American ships that are steaming in the Adriatic, the planes that are flying under the banner of NATO, the other kind of assistance which we have provided in terms of transport, intelligence, humanitarian assistance, and the monetary assistance that we will be asked to supply in the future.

Second, we are all for the support of our troops. There is no one here who would want to pull the rug out from under our troops once they have been deployed somewhere. Of course, many of us believe the way to support our troops is not to send them in harm's way in the first instance. But once they are there, none of us, obviously, will want to jerk the rug out from under them.

Having said what we are for, peace in Bosnia and support for our troops, I think it is also important for us to say what we oppose. And there are many of us here who oppose what I would characterize as the unreflective and offhanded and premature commitment of troops by the President. Our view is that the President should not have made this commitment, and that is why support for the Hutchison resolution is so important—to express our opposition to that decision.

I would like to discuss why I think this issue arises today. If this were a vital national security interest of the United States, we would not be debating this question. The Senate would have supported it long ago and the American people would be in support of it. But there is no vital national security interest. There is no national security interest of the United States involved. And when there is no national security interest, I think there is a higher threshold that must be met for the commitment of troops into combat situations. Here there is at best what could be characterized as a national interest. Any time there is a moral imperative to stop slaughter, to stop genocide, I think one could say that there is a national interest in seeing that that is stopped.

That does not mean in every case that the United States would send ground troops or we would have ground troops in possibly 20 or 30 or 40 places on the globe today. We do not. There are many situations that cry out for help but we cannot literally be the sheriff of the world. So the mere fact there is a moral imperative in some sense to stop the slaughter, to stop the genocide in different parts of the world, does not automatically mean the United States sends ground troops. We often do other things. There was a moral imperative to send humanitarian assistance to Somalia, and we did that. And there are moral imperatives in other places around the Earth where we have taken action.

This is a moral imperative, but we should not be confused and call it a national security imperative because there is no national security interest of the United States involved here. And because it is only a moral imperative, it seems to me there should have been more debate by the Congress and with the American people about whether or not this is one of those occasions in which we send our people into harm's way. That debate could not occur before the commitment was made because the President made it, as I said, in an offhanded and premature way. Once he made the commitment, it is very difficult for us to argue about it because of the contention that we therefore are embarrassing the President; that we no longer have a foreign policy behind which we stand united in the world and therefore once the commitment was made it is no longer possible for us to debate it.

That kind of catch-22 could occur in the future. There are other situations in the world where there is a possibility of commitment of U.S. troops. I have heard, for example, that if Israel and Syria should make peace, United States troops might be sent to the Golan Heights. I do not know whether that is a good idea or not, Mr. President, but I do believe that before a commitment is made we ought to debate that and come to a resolution of that question and the administration act with the advice and consent of the Senate in that matter. I suggest that probably the same thing will happen there that happened here. A commitment will be made in private. We will be told about it later. And because it was already made, we will be told that we cannot really argue about it because it would undercut American foreign policy. That is not sound decision-making and that is really what I object to and why I think it is important for us to have a resolution in opposition to the decision the President made.

There are three basic responses that have been made. One is the so-called Hefley amendment. This is the amendment that passed the House of Representatives overwhelmingly. And it is embodied in a sense-of-the-Senate that was incorporated into the Defense appropriations bill as well, but that was a sense-of-the-Senate rather than actual legislation.

This basically says that there should not be a commitment of funds until the Congress has acted affirmatively on the matter, and I think that is wise policy. That is the way it should have been done here. That is, in effect, the way President Bush did it when he sought Congress' approval to conduct the Desert Storm operation.

The second response to what the President did is the so-called Hutchison amendment. This is an amendment which I have cosponsored which says that we oppose what the



President did. It also says we support the troops. But I think we have to express that opposition.

The third resolution is the one that Senator McCain referred to, the Dole resolution, which apparently has not been written yet and therefore obviously I cannot comment on that.

But the point is, Mr. President, in all likelihood none of these three responses will become law. So we will have to do what is necessary to support the troops. And we will do that.

What we are relegated to doing tomorrow when we have our vote is to send a message, and I think the message we send is very important.

First of all, it ought to be a message of unity and support of our troops. Second, it ought to be a message of unity in support of the peace process through a variety of mechanisms that the United States has already been participating in and will in the future be participating in. Third, it ought to be a message that we oppose this particular commitment of troops both in terms of the lack of clarity of mission and exit strategy and of the premise for the mission in the first place; and that is that it is essential for U.S. ground troops to be a part of the so-called peacekeeping effort or else it will fail.

As I said before, Mr. President, if this agreement is so fragile that the sine qua non—that without which—for its success is a commitment of 20,000 American ground troops, then it is probably a peace too fragile to be sustained in any event, and those are the messages I think we should send in the resolutions that we adopt tomorrow.

I think that the bottom-line message should be that the President should not get us into these situations in the future, and it is not fair to those who we ask to do the fighting for the United States of America.

And so, Mr. President, we commend those who have negotiated the peace. We pray for those who will be doing the fighting. We pray for the recovery of the area in which so much turmoil and difficulty has occurred over the last several years. And we certainly hope that while this mission begins in much controversy, that it can end successfully and without loss of life or casualty to our United States troops.

Mr. President, I thank you, and I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wholeheartedly agree with all the comments made by the Senator from Arizona [Mr. KYL]. He and I have talked about this long and hard, and for many, many hours here on the floor of this body, and it is something that has concerned us.

We expressed the concern in the past when we both served in the other body and served at that time on the House

Armed Services Committee about the problem that we have and are confronted with when the Commander in Chief, the President of the United States, is able to send troops into areas with a total disregard of Congress, of either House of Congress. It is as if we are totally irrelevant.

We are the expression of the American people. We are the ones who are expressing the sentiments, I think, very clearly that shows up certainly in Oklahoma, and I suspect all over the country. The problem that we have is very simple, that the President sends the troops over on these humanitarian missions that do not relate to our Nation's security, and then he comes back to us and says he wants an emergency supplemental appropriation to pay for it when in fact we would not have incurred that cost if we could have been consulted or been made a part of the decision.

I do not mean this to sound at all partisan because when the decision was made to go to Somalia, it was made in December 1992, which was right after President Bush—he was still in office, but he had been defeated. It was supposed to be for 45 days. In other words, in December, the troops are going to go over and in January they are going to come back. It was to open a roadway for the delivery of humanitarian goods to the people of Somalia who did not want us over there to begin with. I disagreed with President Bush, who was a Republican, like I am, at that time.

Then, of course, right after that, in January, we reminded President Clinton that in fact we should bring our troops home because the intent originally was to send them over for 45 days. And so, each month thereafter, approximately each month, we sent resolutions to President Clinton saying, bring our troops home from Somalia. And he did not do it and did not do it, and months went by, until finally there was the brutal murder of 18 of our Rangers and their mutilated bodies, corpses were dragged through the streets of Mogadishu. Of course, then it was too late and then the American people rose up, and this was enough pressure that we indeed brought our troops back from Somalia.

We sent troops down to Haiti. We were not part of that decision. Haiti was supposed to be considered as the crown jewel of President Clinton's foreign policy. He said he was going to send the troops down there for 12 months. Then we sent them down in September, and 12 months later—this was this past September—they are still not back. Now 3 more months have gone by and things are getting worse down there, not better.

We realize we made a mistake in Haiti. That was not anything that related to our Nation's security. Indeed, it was to go down there—at least it was reported by the President that we were

going to go down and get someone who was duly elected back in office. We have been watching in recent weeks, in recent days of the turmoil that exists there, and we still to this day have troops in Haiti.

Just a few weeks ago, we were asked to vote for an emergency supplemental to pay for Somalia and Haiti and some of these humanitarian gestures. I guess Rwanda was in there, too. It was a \$1.4 billion appropriation.

So this procedure the Senator from Arizona, Senator KYL, was talking about is what is really wrong because we do not have any voice in it, and yet we have to turn around and vote for a supplemental appropriations to appropriate money that has already been spent on a mission that we did not agree with.

What happens if we do not make that appropriation? The President merely then just goes to the military budget and pulls it out of the operating budget which is already cut down to the bone, down to a level that we cannot defend our Nation on two regional fronts, as it is today. And then we are deleting those very scarce resources and assets, military assets, by these humanitarian gestures.

So I am rising today during this time really to speak on two of the three votes that will be before us tomorrow. The first one, as I understand the order, from the leader is going to be H.R. 2606. Congressman JOEL HEFLEY from Colorado, who incidentally spent the last weekend with me in the State of Oklahoma going around and explaining to the people and participating on nationwide radio talk shows to let people know just what is happening, that the President made a commitment more than 2 years ago to send 25,000 troops in on the ground in Bosnia, and we are now almost out of time. I am not sure there is anything we can do now to stop the President from doing this. But just on the possibility, remote possibility, as it is, that the President may, since he made that statement, have realized what he is doing in sending our troops over there into that incredibly hostile area, that maybe we can give him an out. So we have two efforts to do that.

The first effort is H.R. 2606, as was passed by Congressman HEFLEY in the House of Representatives. I will read just the preamble to this.

To prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

It is a very simple and straightforward two-page bill. That is all it says. It just says we in Congress are relevant. We in Congress should be heard. After all, we are the ones that

appropriate money for our military operations. We are the ones who make the fiscal decisions in this country. The President submits his budget, but we are the ones who get down to the detail of passing budgets that are consistent with the desires of the American people.

And so I strongly support H.R. 2606. I do not think it is going to pass. But I am going to tell you, it is a defining vote. Come the elections in the future, there are going to be people looking back and saying, we had an opportunity, not just intent of Congress. We already passed one of those. Senator GREGG put that on as an amendment. It was voice voted. And, of course, Senator HUTCHISON and myself and some others have a resolution of disapproval that we are going to be trying to pass tomorrow. That is important, too.

But this particular bill has the meaning of law, has the force of law. It says that we are not going to appropriate the funds that are necessary for the mass deployment of troops into Bosnia unless it comes to Congress or Congress approves it.

Now, this does not take away any of the powers of the President. It merely says that the President should not do it unless he has the Congress and the American people behind him. I can tell you right now, Mr. President, he does not have the support of Congress behind him, and he does not have the support of the American people behind him. He does not have the support of the vast majority of the people in this country; I think they are offended—unless Oklahoma is a lot different than any of the other States.

I was all over Oklahoma this past weekend, and I can share the frustration that people all the way from Lawton, to Anadarko, to Tulsa, that they are offended that this has been railroaded through and that we have not had a chance to have the American people be heard.

You might ask, is it really that hostile of an area there? The Senator from Arizona talked about such things as mission creep. You know, we have already had mission creep in this case. This was going to be peacekeeping. Now it is going to be peace implementation. There is a big difference between peacekeeping and peace implementation, because peacekeeping assumes that there is peace today, when there is not peace today. Peace implementation means we must implement peace. There is a big difference. That has seemingly gone unnoticed. This thing about mission creep is that it starts out simple and sounds good to the American people, just like, I suppose, Somalia sounded back in December 1992. It sounded like it was very reasonable. Yet, who could argue at that time against opening up a road in order to send humanitarian goods up to the people who were having all kinds of

social problems? So we did it. But that kept creeping and creeping until we lost many American lives.

There are quite a few people in Congress who have been to Sarajevo. Sarajevo is the area people talk about and think about when they think about Bosnia. But that is not the area where our troops are going to be. Our troops are going to be, according to the map that has been drawn out, to the north of that, from the north of Sarajevo, all the way up, almost to Hungary. That is where we are going to have our troops. That is the hostile area.

I had occasion to prevail upon a British general, Rupert SMITH, who was kind enough to take me up, since none of the Americans had been up there. I found out later that even the two fine generals that were training the 1st Armored Division in Germany to go up, General Yates and General Nash, had not personally been in that area at that time, and they are training our troops to go into that area. Then I found out subsequently, the other day—last week, or a week ago today—when we had a Senate Armed Services Committee hearing, that neither General Shalikashvili or Secretary of Defense Perry had been in that area. I know the President has not been in that area. So I have to come to the conclusion that those individuals have not been there to see how hostile it was.

Let me just tell you why, how they happened to discover this. Secretary Perry was talking about how peaceful it is up in the Tuzla area. I said, "Mr. Secretary, I was up in the Tuzla area. There was firepower going around up there, and it has not ceased since the cease-fire took place. When was the last time you were there?" He said he had never been there.

General Shalikashvili said, "We are training them in an area and an environment that very nearly represents the environment up in Tuzla."

I said, "I have been to Tuzla and to the training area in Germany, and it is not really analogous to the training area. When was the last time you were there?" He had not been there.

So here we have a hostile area, and we are guessing that there are more than 6 million mines in that area. This is not like it was in the Persian Gulf where you could go in and deactivate mines, because it is not a desert. This is ground that is frozen, and the only way to find out is if you drive an M-1 or an armored vehicle on it and activate it. This is the type of hostility that is there.

We hear a lot about the peace talks that took place in Dayton, OH. I say that maybe the wrong people were there. Sure, Milosevic was there, but it was my experience in the time I spent in Bosnia that he is not the one calling the shots. It is Karadzic occasionally and, of course, many factions have bro-

ken away from him. We are dealing with three major factions there—the Croats, the Serbs, and the Bosnian Serbs, and we have the Moslems. In addition to that, you have the Arkan Tigers, a throwoff of the Serbs; the Black Swans, which is related and was at one time a group of Moslems; the mujaheddin is still active; the Iranians are there. We have identified nine sub-factions, or rogue elements, that are up in that area where we are talking about having our troops walking around. These elements have been known to fire upon their own troops, murder their own flesh and blood, just to blame it on one of the other elements.

I suggest, Mr. President, if you are dealing with that kind of mentality, what would preclude them from firing on our troops to blame somebody else? The administration says, no, we have a couple of ways we can get out of Bosnia. One is at the end of 12 months. It was interesting that the President started out presenting this program and saying, "We are going to send troops into Bosnia for 12 months."

Well, on October 17, during the Senate Armed Services Committee hearing, I said to General Shalikashvili, the Chairman of the Joint Chiefs of Staff, "I do not understand how you can have an exit strategy that is tied to time." I asked him, "How do you know what is going to happen 12 months from today? Exit strategies are tied to events and our success in the various efforts there, and whatever we are enduring."

He said, "No, it is going to go 12 months. On the 365th day they are coming back."

That did not sound realistic, and I think a lot of people further down in the bureaucracy were trying to withdraw from that 12-month commitment, until a week ago today when they reaffirmed their commitment. General Shalikashvili said, "It is inconceivable that we will be there after 12 months."

Well, then the President, over the weekend, reaffirmed that. They are talking about an exit strategy of 12 months. What if we go over there and we have something—which I do not think we have—but something that relates to our Nation's security interests, or our vital interests, so we engage in combat. We go over there to do whatever we are supposed to be doing there, to contain the civil war, to protect the integrity of NATO, or whatever they say is worth the cost of hundreds of American lives, at the end of the 12th month, they are saying, no matter what, we come home anyway. What if we are almost there? No, we are going to come home.

I had occasion to talk to people who are very familiar with the Bosnians, the former Yugoslavia, the various cults and ethnic groups and the rogue elements that are up there, and they said one thing people do not understand in the United States is that those



people do not think like we do. Their conception of time is not what ours is. General Hoagland, who was the general from Norway, up in the Tuzla area where we are talking about sending our troops—and we are as we speak—he said 12 months is absurd; it is like putting your hand in water and leaving it there for 12 months, and when you pull it out, nothing has changed, it is just like it was. And then when I commented to some of the soldiers up there who are familiar with that area, I said, "What about the 12 months and being out in that time?" They said, "Are you sure you are not talking about 12 years?"

So these are the unknowns that we are dealing with. These are the rogue elements. This is the hostility, and these are the chances we are willing to take. If you do not believe what I am saying, Mr. President, I suggest that you go back to that meeting of October 17, when we had Secretary Christopher, Secretary Perry both there at the meeting. That was shortly after Gen. Michael Rose from Great Britain, who was the commanding general in charge of United States forces in Bosnia, certainly there was no greater authority at that time on the conditions in Bosnia than Gen. Michael Rose. He said, if Americans go into Bosnia, they will sustain more loss of lives than they did in the Persian Gulf war. Well, that was 390.

I specifically asked the question, I said, "Secretary of Defense Perry, let us assume that all these experts are right and we are going to lose at least 400 lives over there. Is the mission as you have described it, that is to contain a civil war and to protect integrity of NATO, is that worth 400 American lives?"

He said, "Yes."

Secretary Christopher said yes. I say no. That is the defining issue here. We will have an opportunity to get people on record. I hope the Senators that are preparing to vote on these very significant things understand the seriousness of it.

We have an opportunity to do something to stop it. It is remote. As I said when I began a few minutes ago, maybe we cannot pull it off. If we do, maybe the President, in the case of H.R. 2606, which I strongly support, maybe he would veto it or he would let it sit on his desk until we have the troops over there and then it is too late.

As Senator KYL and others have said, we are in full support of our troops. That is, everyone in this Chamber is in support of our troops. The best way to support our troops is not send them over there in the first place. Those who are over there, a handful, bring them back.

That is essentially what we are attempting to do with H.R. 2606. We are saying we will not appropriate the money to send the troops over unless

you come to Congress, present your case to the American people, and sell your case. It is as simple as that.

There is a defining vote. People who vote against H.R. 2606 are saying "No, Mr. President, you go ahead. You don't have to come to Congress. We will go ahead and appropriate the money. We are serving notice we will appropriate the emergency supplemental."

The same thing with the Hutchison-Inhofe resolution. That is a defining vote. People are going to have to answer to that in years to come—I am talking about U.S. Senators—as to whether or not they were supporting the troops being sent to Bosnia. We all support the troops.

Mr. President, this is probably the most significant vote—these two votes will be the most significant votes we will be voting on. I know a lot of people, the families of the thousands of American troops that are going to be sent over there. This is the most defining vote.

I could not find anyone yesterday in the streets of Anadarko, OK, who thought the mission as described to them is worth the loss of one American life, let alone 400 or 1,000 or whatever it ends up being. I think the American people are solidly behind our effort to stop the deployment, even though it is almost too late now.

The President says this is only going to cost \$2 billion. They gave a figure of what Somalia would cost, what Rwanda would cost, what Haiti would cost, and they are off by a few billion and had to come back for supplemental appropriations.

Mr. President, we are going to have an opportunity to vote on three issues tomorrow. Two are resolutions without the force of law; one has the force of law. I think the toughest vote will be the vote on H.R. 2606. Those who really feel so strongly that the American people and Congress should have to give permission before the President sends the mass deployment of troops into Bosnia, this is the opportunity for them to cast that vote.

I had a phone call last week from Capt. Jim Smith, who I believe is from New Jersey. He is an American hero. He was a career military officer. He lost his leg in Vietnam. He lost his son in Mogadishu. He said to me, "You know, I had two letters from my son. The first one was concerning the rules of engagement that we were using in Somalia. They said we would have robust rules of engagement," and he characterized those the same way that Captain Smith today is characterizing the rules of engagement that we have.

The last letter he got, his son made the statement to his dad in this letter right before he was one of the 18 Rangers who lost his life over in Somalia and his corpse was dragged through the streets of Mogadishu, and he said, "Dad, over here we cannot tell the good guys from the bad guys."

I suggest that is exactly the situation in Bosnia. I know people who are trying to make that into something that is really relating to our Nation's security. I do not think we can tell the good guys from the bad guys. Take a snapshot in the history of that area in the last 500 years and one is that the Serbs are the bad guys and the next is that the Croats are the bad guys. We saw what happened in the First World War; we saw what happened when Marshal Tito put together a coalition because he was in the unique position of being a Croat and yet was also a Communist, so he was able to break away from Hitler's operation where a lot of the Croats went, and held this very fragile country together against Hitler's onslaught on a ratio, for a 2-year-period, of 1 to 8. What I am saying is, this hostile area we went into, he was able to hold off the very best Hitler had to send in on a ratio of one soldier to eight soldiers. Until you fly over 100 feet off the ground and look down and see the environment and the cliffs and the caves, you cannot really appreciate this.

Unfortunately, the five people who are in charge, the architects of this thing, the various Secretaries and the President himself, none of them at the time the decision was made had ever been in that part of the world. It is understandable why they might not understand the serious danger that lurks up there for our troops.

I stopped by the training area a few weeks ago and talked to a lot of the troops. I went into the mess hall. I have not been in a mess hall since I was in the U.S. Army, and I enjoyed visiting with all of them. It was very difficult for me to answer the question when they asked me: What is the mission? What is so important over there?

I try my best because I am in full support of the troops. I said, if you go over there, you will have a mission. We will have the American people behind you. But I could not answer the question about the mission.

I talked to one James Terry, a young man who would be in the first group. He may be over there now. He is probably part of the logistics team over there. When I came home, I talked to his mother, Estella Terry, in Oklahoma, and I got to thinking that the test that Congressmen heavily used over in the other body was, what do you tell—I guess it is called the mother's test—what do you tell somebody who has lost a son or a daughter or a husband or a wife? What can you tell them they died for? This is the test that the President has failed to meet.

I am hoping that with the two opportunities that we have on voting in the Hutchison-Inhofe resolution of opposition to the deployment of troops and H.R. 2606 to actually stop—this is the litmus test. We will stop the appropriations so they cannot be sent there in

the first place, this mass deployment, and bring those who are there back.

This is very, very significant and probably the most significant vote that we will vote on. There is a third vote, and that is the vote that will come up tomorrow that is trying to be conciliatory to the President's plan. I have looked at his plan. I think it is so flawed that it cannot be fixed. I do not think we can fix it. I plan to vote against the resolution that would, for all practical purposes, approve what the President is doing.

Lastly, I will conclude by saying we are behind the troops and the troops are behind us. We are the ones—it says to stand up here and say we support the troops. How can you say we support troops and send them into the environment I just described? I do not think we can do it, and I do not think people are supporting the troops when we do that. We have an opportunity, a last-ditch effort, and after that the opportunity is behind us, and we will have to start watching what is going on, giving full support.

If there is anyone here, Mr. President, who disagrees that the troops are behind what we are trying to do, I suggest you look at the veterans groups. A week ago we had a news conference. Every veterans group I am aware of in America was present. We had the American Legion, the DAV. We had the veterans of the Korean war. We had the veterans of Vietnam. We had the Jewish veterans. They were all there and they all stood up and said, we are for the troops, and the best thing you can do for the troops is keep us out of this fight over there that is not our civil war, because we could very well have some causes that would come up where we need to send troops.

We cannot be depleting our resources. Certainly, people like Saddam Hussein and others around the world are looking at our weakened condition now and the fact we are further weakening our military assets by sending them out on the humanitarian gestures.

Mr. President, I suggest we will have an opportunity tomorrow to cast three votes. I think the votes, the right votes, are to vote against the resolution of support for the President and vote for the resolution and the bill that supports our troops and stops the deployment of troops into Bosnia. I yield the floor.

Mr. THOMAS. I rise to speak on the issue that is before the Senate, that has been before the Senate for some time, and our decision with respect to our role in Bosnia.

This has been going on, of course, for a very long time, nearly 4 years, so we have had a great deal of opportunity to think about it, consider what our role should be, also what great opportunities and, of course, to watch what is happening, watch the tragedy that has,

indeed, taken place. So we hear a great deal of conversation about our role in keeping peace, our role in helping to provide freedom, our role in stopping the fighting. Everyone agrees. So the question is not whether you agree with being active in that effort, but how do you best do it? The question is, how do we deal with the crisis that has been there? The question is, what is our role in this particular incident?

What is our role, then, as a matter of policy, in other places where there are similar problems? What is our policy with respect to civil wars? Our policy with respect to ethnic disturbances? Is it going to be our policy to participate in each of these, where we have troops now in the Golan Heights, where we have troops in Algeria, where we have troops around the world, keeping the peace—or, in fact, creating peace?

Where do we not have a policy of that kind? We asked that question to the administration.

"Well, this is separate. We will make each decision separately."

I do not think that is the way it works.

Mr. President, the first concern I have had for some time is with the process that has taken place here. The process has been one that has, either by design or by accident, co-opted the Congress almost entirely. It started 2 years ago. The President said, I think almost offhandedly, "We will put 25,000 troops in to help the United Nations pull out if need be." There was no particular reason for 25. It could have been 10. It could have been 40. But 25 it was. So nothing happened, much, with that. And the United Nations continued, through their dual-key arrangement, not to be particularly effective; not effective at all, as a matter of fact. So the Congress acted finally. The Congress acted, and said we want to raise the arms embargo so we can provide an opportunity for the Moslems to defend themselves and create more of an even field. So we did that.

There was no support from the administration for doing that. However, it did cause, I think, the administration to move. So, then they said to NATO, let us bring in some aircraft strikes. We did that. It did not affect a great deal but it did tend to even the playing field. The Serbs had much of an advantage in heavy weapons.

So the Moslems and Croats got together, which tended also to make the playing field more even, which is really the basic reason the Serbs came to the table. So we said to the administration, What is our policy with regard to this?

"Well, we cannot talk about it now because we are going to have a peace conference and we do not want to get ahead of that."

OK. Did that.

Then there was a peace conference and for whatever sticktoitiveness there

is, that one came out, initialed peace conference in Dayton.

We said, after the conference, What is our position? What are we committed to? What can we do? How do we participate as Congress?

You cannot really participate because we have a peace conference and we do not really want to talk about it.

Then the President goes off to Europe, agrees to do the things he has agreed to do, and of course they welcome it with open arms. Why would they not? We are willing to do the heavy lifting. So, then the next thing we know, the troops are there.

Now, the big movement of troops has not taken place, but American troops are there now. So we had a hearing, not long ago, in the Foreign Affairs Committee, and the Secretary of State was there, the Secretary of Defense, and the Chairman of the Joint Chiefs. I asked, "What, in your opinion, is the role of Congress in this matter of foreign policy and in this matter of troops to Bosnia?"

Frankly, I did not get an answer. Finally, the Secretary of State said, "Well, to provide the money."

I think there is a larger role than that. You can debate the Presidential power, Commander in Chief, debate the money—but there is a role in terms of having support for what we are doing and including the Congress; not coming up and telling them what we have already decided to do, but, rather, have a real role.

I was in Bosnia about 6 weeks ago, along with several of my associates here. And we spent a day in Stuttgart with the Supreme Allied Commander. This was 6 weeks ago. I can tell you, in terms of the administration, that decision was already made. It was already made, what we were going to do.

We asked, "We are impressed with what you are doing, general, in terms of training and preparation, but are there alternatives?"

There were no alternatives.

I do not believe that. There are, in fact, alternatives.

So, that is where we are. I happen to oppose the idea of sending troops on the ground to Bosnia. The real, basic question has never been satisfactorily answered, as far as I am concerned.

Let me divert, to say I respect the opinions of everyone who is involved here as being their basic gut-felt feeling about it. But the real question, what is our national interest, has never really been answered. What is our position? What is our policy? What will we do in instances similar to this? Is this what we are going to do hence?

So, until that question is answered, really, all the stuff about how you withdraw, how you are in harm's way, how you enter, how you get out, how many troops, are not really relevant if you have not established the idea that it is in our national interest to be there.



So, I think that question has never been resolved. There are many arguments. One is to stop the genocide. Of course we want to do that. As a matter of fact, it was my strong feeling when we were in Sarajevo, when we were in Croatia, that folks are anxious to stop. They are tired of fighting. You can imagine that. You can imagine that. And if there is real dedication to the peace agreement, it is hard to imagine that we need 80,000 or 90,000 troops on the ground from other places to cause this to happen.

Is this the only alternative? I do not think so. They continue to say nothing would happen if the U.S. does not take leadership. We were also in Brussels, in Belgium, with NATO, and all 16 of the Ambassadors from the NATO countries stood up and said, "Gosh, we just do not think we can do it without the Americans providing the majority—a third of the troops, the basic payments, the heavy lifting to get there."

Of course they could do it. Of course we can continue to participate in NATO. This was not really the mission of NATO originally. NATO is sort of looking for a mission and they are excited about the opportunity, generally, of doing this.

We hear that Bosnia is the heart of Europe and the conflict may spread. It could, of course. Four years—4 years, during the height of the fighting, it has not spread. Bosnia is hardly the heart of Europe. Bosnia is the edge of Europe and, as a matter of fact, the strife that has taken place there has taken place, historically, because someone else has come there.

So, Mr. President, this is a tough issue. We are going to have a chance, finally, to vote on it, as belated as that may be. And, as my friend from Oklahoma said, there will be a number of alternatives and we will have to make that tough choice. But it is my belief we can continue to involve ourselves in the diplomacy.

I congratulate those who have done that diplomacy. We can continue to provide support. We can continue to provide airlift. We can continue the work in NATO. We do not necessarily have to have 30,000 troops on the ground there. It is a very tough area. This idea that you go in and separate them—this morning I sat in for a little time on the civilian aspect of it. What do you do when you are there? There are refugees, thousands of refugees, who will not be in the sector that they live in. And their property is gone. How do you return that? How do you get a Croatian back into the Moslem area to reclaim his home?

They say we are not going to do that. So this morning they are saying we will have to do the policing; we will have to train them on policing; we will have to arm the Moslems. There is really a great deal more to this than separating those two areas and sepa-

rating the zone, and we are obviously going to end up doing it.

The price now talked about is \$1.5 billion, plus another \$600 million for nation building. If you would like to bet, it will be at least twice that. Of course it will. Of course it will. So we ought to really talk about the incremental costs and what that is.

But more importantly, Mr. President, and I conclude, what is our role? What is our role in the world? How do we do this in terms of troops on the ground throughout the world? What is the division of understanding here as to what the role of the Congress is?

I think most of us are very close to the people we represent. I can tell you that in our response in Wyoming, I think we have had two calls out of hundreds that favor the administration's position, which does not make it right or wrong, but it is an indication of how people feel.

So, Mr. President, I hope we come to the snubbing post, and decide what our role is. In my view, that role is not 30,000 troops on the ground.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to take this opportunity, as all of my colleagues are doing the rest of the day and tomorrow, to comment on this very important issue of sending troops to Bosnia and, of course, on the specific resolution before us.

Given the President's obvious intention to move ahead regardless of whatever we decide to do in Congress, I am not sure what the effect, or even the need, is for the resolution before us because it seems to me that the train has left the station.

Of course, we all have a constitutional responsibility to let our views be known. We have a responsibility to vote on these issues, and even though the President is moving forward it gives some of those of us who object to his doing that an opportunity to express our views.

Of course President Clinton is touting support for his position from former Presidents, including former President Bush. However, the President does not have support where it counts the most—and that is support from the American people. Even former President Bush, in his qualified support, stated,

I still have significant misgivings about the mission itself, about exactly what our troops are expected to accomplish, and about when they can get out and come home. In my view, the answers on these points are less than clear.

President Bush has expressed very well what a lot of Americans are thinking who tell us that they have questions about this or that oppose it. It really is not clear-cut. For instance, the President's speech to the Nation

and several subsequent speeches to different groups trying to sell this mission has not won over the broad support that a President ought to have when American lives are being put in jeopardy.

Unlike some of my colleagues, as well as the President, I believe Congress does have a leadership role in authorizing a military deployment that involves a large contingency, and a long period of operation. This certainly is not a Grenada or Panama-type of operation that lasts a few days or weeks. As a matter of fact, we know this Bosnia operation will last at least a year, and in reality probably multiple years. Last weekend, the President stated that we would be in Bosnia "about a year." Of course, this President is not known for his accurate statements. This begs the question of what is our exit strategy? Well, the only strategy we have is that we will leave whenever the President decides to leave, which is hardly a strategy at all.

We also do not know the cost of the mission. I have seen Pentagon estimates of around \$2 billion. Other estimates double that price. And, even this princely sum amounts for only the 1 year we will supposedly be there.

Even the troop numbers have been misleading. All we hear the administration talk about is the 20,000 troops on the ground.

Obviously, there are going to be many more troops involved even if they are not there right on the ground.

Of course this does not include the 14 to 20,000 additional support troops that will be required. So, we are really talking about closer to 40,000 troops, which is a sizeable number of Americans the administration is putting at risk.

And what are some of these risks? Well, beyond the obvious ones involved with getting stuck in the middle of warring sides that have hated each other for centuries, we know that up to 6 million landmines are in the area, but we only know where 1 million of them are. Major minefields are in or around the area of Tuzla, where American troops are to be stationed. That is a fact.

Also, hundreds, and possibly thousands, of Islamic mercenaries who have been helping the Bosnians, and are bankrolled by Iran and others, could now pose terrorist threats to our troops.

Let me say that troops generally who are peacekeepers are in danger in a situation like this, but especially I believe American troops are a special lightning rod that terrorists would love to hit as opposed to maybe troops from other nations.

There is supposed to be an agreement from the Bosnians to remove these mercenaries, but will they be removed? But even with the best of intentions, that will not happen in less than a month.

In addition, there are those that want to train and arm the Bosnians before we do anything. What kind of a message does this send to the other side?

Up to now, I have joined most of my colleagues in providing support for the Bosnian Moslems by reducing, or eliminating, the embargo of arms there. But now we are supposed to be an honest broker, or at least an objective mediator, once the peace agreement is officially signed. So I just do not see how we can be an objective referee when we are arming and training one side of the conflict.

Then we hear the disturbing argument that we have to vote for this resolution in order to support our troops. Well, of course, this argument has absolutely no merit. We all strongly support our troops, and regardless of the outcome of this vote, we will do that just as we all did after the very crucial debate and vote on going to the Persian Gulf war even though there was a great deal of disagreement on the sending of those troops at that time.

I was one of only two Republican Senators to oppose the Persian Gulf resolution, and this administration has provided even less of a need to deploy troops in Bosnia, notwithstanding the fact that this is supposed to be only a peacekeeping mission.

The administration argues that NATO and our leadership of NATO is on the line. This just is not convincing to the American people, because none of our NATO allies—nor is the United States—under any kind of national threat as defined by the NATO treaty of 50 years now. Our European allies should be taking a lead in this matter and sharing more of the financial burden. And, yes, the United States should—and can and will—provide support for their effort, including air and naval assistance.

Finally, what some are now saying is that the vote on this resolution boils down to helping a President keep his commitments. As a Senator, I have my own constitutional responsibilities, and those responsibilities do not include helping a President keep a commitment that many, if not a majority, of the people do not believe should have been made in the first place.

So, Mr. President, the bottom line, as far as I am concerned, is there are a number of unanswered questions and a lot of questionable assertions made by President Clinton that simply do not add up to common sense. And, therefore, I cannot in good conscience support President Clinton's decision to deploy troops to Bosnia.

I thank you. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support the Hutchison-Inhofe

resolution. The Hutchison-Inhofe resolution is very simple. It has two parts.

The first part says Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia-Herzegovina to implement the general framework agreement for peace in Bosnia-Herzegovina and to its associated annexes.

Section 2 says:

The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general agreement for peace in Bosnia and Herzegovina and its associated annexes.

That is it, Mr. President. It is very simple and very clear. I wish to state from the beginning a few parameters around the debate that I am getting ready to make. First, I think there is no politics in the debate on this issue. I truly believe that every Senator is making a vote of conscience. It is a tough decision. It is not easy for anyone. And I do not think anyone's integrity can be impugned by saying there is some political reason for how that person decides to vote. In fact, as you know, anytime you are sponsoring a resolution or an amendment in this body, if you care about it, you ask people for their votes. You try to talk them into voting for your issue, especially if it is something that affects your State.

I have not asked anyone for a vote on this issue. I would not feel right asking someone to vote against his or her conscience on something that important. So this is not a matter where you work the floor to try to get support for what you are doing. What you do is take a position and say this is the way I think we should go, and everyone who agrees with you will be on that resolution. And in fact the Hutchison-Inhofe resolution has 28 cosponsors. I do not know how many votes we will get for the reasons that I have stated. I just have not asked.

Mr. President, I would like to say I respect the President. I think he thinks he is doing the right thing. I think he did a good job of bringing people to the peace table to talk. I disagree with his decision to deploy American troops on the ground in Bosnia, but I certainly respect the office and I think he believes he is doing what is right.

I wish to make the point—and it is what I said to the troops I met with last Saturday night at midnight at Killeen, TX, at Fort Hood, as the troops were getting ready to go to the airplanes to take off for Bosnia. I told them that I believe—and I know it is true, it is a fact—that 100 percent of the Senate is going to support the troops.

Now, we are going to disagree on the policy, but we are not going to disagree that we support the troops, and they are going to have everything they need

for their security if they are deployed in this mission. They will have the equipment. They will have the weapons. They will have the shelter. They will have the electric socks if they need them. They will have the training. And most important, they will have the spirit. They will have the spirit of knowing that the American people may disagree with the fact that they are going, but they support the troops 100 percent because they are giving their time and they are putting their lives on the line for our country. We are the greatest country in the world, and we appreciate every single one of them.

I visited with some pregnant wives. I visited with some new wives, two-day-old wives. I visited with parents who had come in from all over the country to say an early goodbye to their loved ones, men and women who were getting ready to take off. They knew I did not want them to go, but they knew I was going to do everything in my power to bring them home safely.

It gives me the greatest feeling in the world to visit with our troops. There is nothing more wonderful than an American in service to his or her country. They have the most wonderful attitude—positive thinking. They are well trained. They are professionals. They are ready to go when the Commander in Chief gives them the call.

So now we must decide if we are going to support what we consider to be a bad decision. I think it is a legitimate question to ask, why oppose now; the troops are on the way. I am opposing now for three reasons. I am opposing because I disagree with this policy, and I wish to discourage future such missions. I disagree with this policy, and I believe it is my constitutional responsibility not to rubberstamp it. I disagree with this policy, and I hope to give the President every opportunity to back away from this decision—the basic tenets of the peace treaty are not in place—before he does the mass deployment.

If the Serbs in Sarajevo continue to burn the American flag, if they are not committed in body and mind to this peace agreement, I hope the President will say, "No. No, we are not going to deploy American troops if the peace treaty is not intact."

That is why I am putting this resolution in with 27 of my colleagues, to make sure that the President has every opportunity to say there is disagreement in Congress on this issue, and I am not going to send the troops into harm's way if a peace agreement is not intact. And if they are burning the American flag, the peace agreement is not intact.

So let me take each one of my reasons and flush them out a little bit.

I disagree with the policy, and I wish to discourage future missions. I do not want this to be a precedent for the future. The President has said NATO will



fall if we do not do this. I disagree with that. I think NATO has a place in the post-cold-war era. But NATO was put together as a mutual defense pact when there was a big-time aggressor, the U.S.S.R. There is no big-time aggressor, so we must look at our responsibility under the NATO treaty. We must look at the role of NATO in the world we live in today, not the world we lived in in 1945. And we need to say, what is the role? We need to debate it, if we are going to expand it, and we need for Congress to approve it, if we are going to have a new treaty with NATO. And we must do this thinking ahead, not by moving crisis to crisis, not by going to Somalia and saying we are going to try to capture a warlord, and then when we lose 18 rangers walk away, not by going into Haiti without the approval of Congress and \$1 billion and 1 year later seeing the same problems arising in Haiti that they had before we landed. And now we have Bosnia, a civil war in a non-NATO country, and we are told NATO is going to fall if we are not there in a non-NATO country, in a civil war.

Mr. President, that does not pass the commonsense test. We should have a strong NATO. To do that, we must determine what NATO's role is in the future, and we must not act crisis to crisis and send our kids into harm's way for a false reason. We could dissipate our strength if we bounce from one civil war to another across the globe because we do not have infinite resources.

We have finite resources, Mr. President, and we have spent \$1 billion in Somalia. We are going to spend \$3 to \$5 billion in Bosnia. What are we going to do when we are really needed in a crisis that does threaten U.S. security?

What if North Korea, with nuclear capabilities, erupts? What if Saddam Hussein decides to take another march? Are we going to have the resources if we have spent \$3 to \$5 billion in a civil war when we could have spent less helping the people of Bosnia rebuild their country, which we want to do?

Mr. President, we have not thought this through, and one of the reasons it has not been thought through is because Congress was not consulted. Which brings me, Mr. President, to my second reason for continuing to oppose the President's decision, and that is the role of Congress in the declaration of war, or sending our troops into hostilities, which are the equivalent of war under the Constitution.

I do not like to oppose the President on a foreign policy issue, but I have a responsibility as a Member of Congress that was given to me in the Constitution of this country. I want to talk about that because that is a disagreement on this floor. It is not partisan. But many people believe that Congress really does not have a role in this, that

the President has the right to do what he is doing.

The President does indeed have the right to command our forces. He is the Commander in Chief, and he has the right to act in an emergency because Congress gave him that right in the War Powers Act. We did not want him to be hamstrung. We did not want him not to be able to send troops in if American lives were at stake, and if he did not have time to come to Congress.

But, Mr. President, sending our troops into Haiti for 1 year without ever asking Congress' permission, or even asking their opinion, is wrong. That is a violation of the Constitution. And we are getting ready to do it again on Bosnia.

I have the Federalist Papers right here. The Federalist Papers, of course, were written by three people who were crucial in the decisionmaking in writing our Constitution. In Federalist Paper No. 69, written by Alexander Hamilton, he discusses the role of the President as Commander in Chief, and he is comparing it to the role of the King of England, which, of course, we had just left and tried to make a better country because many people were dissatisfied with a monarchy. So here is what Alexander Hamilton said about the war powers of the President.

The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York at the time have at all times the entire command—

Not part—

... of all the militia within their several jurisdictions. In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Second, the President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—

I move to No. 74 by Alexander Hamilton, where he says:

Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand.

Mr. President, he was speaking to us. He was saying, do not have one person able to declare the war and to run the war. And James Madison said exactly the same thing: Those who were to "conduct a war" could not be safe judges on whether to start one.

James Wilson, a delegate from Pennsylvania, said the checks-and-balances system "will not hurry us into war." He said, "It is calculated to guard against it. It will not be in the power of a single man, or a single body of men,

to involve us in such distress." He was very clear, as were the others who have spoken on this issue.

They did not want the President to be able to send our troops into distressed situations without consulting with Congress. They wanted it to be hard. They wanted it to be muddy. That is why they put both people in charge, the President and the Congress, and they wanted them to work together so it would be difficult.

Louis Fisher, who wrote an article with some of the quotes that I have just given you, is a professor and an author. He has written the book "Presidential War Power." He says:

It might be argued that "war power" is not involved because Mr. Clinton will use American forces for peace, not war. "America's role will not be about fighting a war," he said. He said he refused "to send American troops to fight a war in Bosnia," and "I believe we must help to secure the Bosnian peace."

Mr. Fisher says, "Mr. Clinton has already authorized air strikes against the Serbs." He now intends to send ground troops. By making an overwhelming show of force, he says, "American troops will lessen the need to use force." Note the word lessen. Anyone who takes on our troops, he says, "will suffer the consequences."

Mr. President, if that is not the equivalent of what would be considered war when the Constitution was written, what could be more clear?

Mr. Fisher goes on to say:

Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

I agree with Mr. Fisher: We are not upholding our part in the Constitution if we let this pass.

The third area of disagreement that is very important for why I continue to oppose this deployment is because I want to narrow the mission. I want there to be a time limit. The War Powers Act is supposed to give emergency capabilities to the President to go in when he cannot come to Congress. This President is asking for a year. That is not an emergency. We have been looking at this situation for 3 years.

We have asked the President to lift the arms embargo. He has refused to do it, and now we are put in the position of knowing that if there is going to be any kind of cease-fire that will last in that part of the world, it has to be when there is parity among the three warring factions. We wanted to lift the arms embargo so that parity would be there now. The President said no. In effect, the President did lift the arms embargo, but he made us the ones who used the arms when we started bombing the Serbs.

So I want to narrow the mission, and I want there to be a time limit so that the expectations will not be there any

further than 1 year. It is the expectations that got us into this mess because the President, without consulting with Congress, went forward and said, oh, yes, we will put troops on the ground, when he had so many other options. And troops on the ground should have been the last. Instead, they were the first.

So then people come and say, well, the only way you can show your commitment to peace in the Balkans is troops on the ground. When, in fact, there are many ways that we could have shown our commitment to peace in the Balkans that would have been much more effective than American troops on the ground because now the President says we cannot arm and train the Moslems because we are on the ground precisely. We should have said we would arm and train the Moslems and not put troops on the ground so we would not be taking sides at the time that we were trying to bring parity into the region. And we must have parity in the region if, when we leave, there is going to be any equity in the region.

So, Mr. President, many of my colleagues want to speak on this very important issue. I will just close with the last reason that I am going to oppose the President's decision, and that is the Larry Joyce test. One day when I was on the plane going back to Dallas from Washington, DC, a man walked up to me and said, "Hi, Senator. I'm one of your constituents. My name is Larry Joyce." And I said, as I normally would to someone like that, "Well, hi, Larry. How are you doing? What were you doing in Washington?" And he said, "I was burying my son in Arlington National Cemetery." And I said, "Did he die in Somalia?" And he said, "Yes, he did."

And as tears streamed down his face, he said, "Senator, I went to Vietnam twice. I am a military man. And now my only son, on his very first mission as a Ranger, is not coming home. Senator, I would just like to know why."

I did not feel good about an answer to Larry Joyce because I do not think our troops should have been doing what they were doing in Somalia. Now, his son did not die in vain because he was doing what he had signed up to do, and he was doing it with honor, and he was a great kid, Casey Joyce, just the kind of young man or the kind of young woman that I see as I visit our bases across the country. But I said that night I would never vote to send our troops into harm's way if I could not give the mother or father a good answer about why.

Mr. President, sending our troops into Bosnia under these circumstances is not meeting the test. Mr. President, I am urging the President of the United States to reconsider his decision, to make sure that he is sure, before he deploys American troops, that it is a U.S.

security interest—not just an interest, which we certainly have and which we can fulfill without American lives on the line. I want the President to reconsider his decision, and I hope that he will.

Thank you, Mr. President.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Colorado.

PRIVILEGE OF THE FLOOR

Mr. BROWN. Mr. President, I ask unanimous consent that Michael Montelongo, a fellow in Senator HUTCHISON's office, be granted floor privileges during the consideration of the resolution on Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of the Hutchison motion. I want to share with the Senate the concerns that I bring to a deployment of combat troops into Bosnia. Mr. President, I would, first, like to start with some things I think Members will agree on—at least I think they are facts that would be acknowledged by both sides in this debate.

First, the confrontation that we now enter by sending troops into what was the old Yugoslavia is a confrontation that is not new. It is a conflict that is at least 500 years old and, in some respects, goes back 800 years. For those who have talked to the participants, whether Croatian, Bosnian, or Serbian, they well know that those people not only are aware of that conflict, but they can recite to you the names and dates of the battles, going back hundreds and hundreds of years. In many cases, they remember battles that go back before the founding of our own Nation. This is not a new conflict. It is a conflict that predates even the discovery of America.

Second, Mr. President, I think it should be noted that what we enter into is a civil war. We enter into a conflict between the Croatians, the Serbs, and the Bosnians, and potentially other parties as well. But this is different than an effort by Germany to conquer the world. It is different than an effort by the Nazis to impose their will upon the people of the world. It is different than the efforts of the former Soviet Union to spread its influence and control over the world. This is not an invasion of a country, this is a civil war. I think all Members will agree that that is a fair and accurate summarization of the conflict we enter.

Third, Mr. President, I think Members would be remiss if they did not honestly note that the members of this conflict, the parties to this conflict, have not had a record of honoring peace agreements. For over 500 years, this conflict has waged, and people have talked about peace, a truce. For over 500 years, consistently, the peace agreements have been ignored.

When I talked to our troops in Sarajevo over Thanksgiving, one of the

things that our troops told me—there was a gathering at the Embassy of the enlisted men of the contingent who have been in Sarajevo for some time. One of them paused and said, "I think I speak for all the people here, I believe, when we say that while we view the Bosnians in this struggle as the victims—and in many ways they have been—all sides have committed atrocities in this confrontation and, frankly, we expect the Bosnians, as well as the others, to break the peace agreement."

Mr. President, it would be a tragic mistake for Americans to go into this conflict without understanding that this peace agreement is not going to last.

Fourth, Mr. President, we now have an estimate from the administration that the cost of this adventure will be at least \$2 billion. Frankly, Mr. President, there no presentation of how you are going to pay for it. At a time when we are struggling to bring the deficit under control, we now have a proposal to spend \$2 billion over the budget. Mr. President, I must tell you, it is my own estimate that the cost of this will be much higher than \$2 billion. If there are Members who disagree and would like to place a friendly wager on that, I welcome them. If anybody seriously believes that \$1.5 to \$2 billion is all this will cost the American people, I hope they will come forward and say it, and I hope they will back their belief with a wager as well. My own belief is that this will run much higher and could well run \$5 billion or more.

The reality is that we are sending combat troops into an area where we do not have barracks, or quarters, or adequate roads to get them there, or adequate equipment, and they do not have water or essential utilities. The reality is that the cost of this project will be much higher.

Fifth, I think most Members would agree that the terrain where American troops will be stationed, around the Tuzla area, is ideal for guerrilla warfare. Americans ought to understand guerrilla warfare. Perhaps we were one of the earliest ones who started it in our combat with the British. We did not put on uniforms. We tended to stand behind trees and shoot at the British, and it worked pretty well. The reality is that we did not fight by the rules the British thought we should fight by in the Revolutionary War. Anybody who thinks the Bosnians, Serbs, or Croats are going to fight by our rules in Bosnia is dreaming.

Mr. President, let me summarize, because I hope all Americans will be aware of these five factors when they go into it. One, this conflict is over 500 years old. Second, we are interfering in a civil war—not an invasion, but a civil war between the parties that have occupied that country.

Three, the parties involved have a history, a continuous history, of not



honoring the peace agreements that they enter into. For us to assume that the winter period when they traditionally have truces is going to be a permanent peace is naive, perhaps beyond description.

Four, the cost of this to the American people will be at least \$2 billion and perhaps more.

Five, the terrain is ideal for guerrilla warfare. Mr. President, specifically, what that means is the terrain is very rugged and very rough. It means that the area is heavily wooded, forest. In military terms, it means our advantages which are in air power and armored personnel carriers and tanks, will be minimized. The roads are extremely narrow and there are over 3 million mines stated to be in the American sector. Who in the world came up with the idea of deploying U.S. troops in that kind of conflict?

Mr. President, this is goofy. We are standing here and debating this question as if it were a real question. This is not a real question. This is a goofy proposal—send American troops to stand in between warring factions that have been at war for 500 years and never honor a peace agreement, under circumstances where we do not have the advantages that our technology provides, and stand in between them as they shoot at each other? That is not a realistic proposal. That is just plain goofy.

Mr. President, I think every American and perhaps every Member of this body has to answer a question before they vote on this issue. The question is basically this: Under what circumstances do you send American soldiers into combat? We have never had a unanimous feeling on that in this country.

Perhaps defending our own shores, though, has garnered the strongest support of any measure. Americans have been willing to shed their blood to defend the shores of our country. We have been willing to shed our blood to defend freedom around the world, whether it was in World War I or World War II or perhaps even Korea.

We have never shrunk from defending freedom around the world. First, through alliances, for we had an obligation; second, for a country where we did not have a formal alliance but we saw freedom was at stake that could ultimately affect the ability of Americans to obtain their freedom; we have had times where we have been willing to shed blood to deter aggression. We defended our shores in the Revolutionary War. We defended our freedom through alliances in World War II. We defended our freedom overseas in Korea. We defended countries from aggression in the gulf war.

Mr. President, where have we come up with the idea that we would interfere in a civil war? That is without precedence. Deploying American

Forces overseas to interfere in the middle of a civil war, this takes it to a new height.

Mr. President, the mistakes we made in the past, and Americans have made mistakes in the past, have led to some guidelines. The Weinberger guidelines came out after Lebanon and after Vietnam. There were a number of factors but the most significant one was this: Before we deploy American troops overseas, before we put their lives in harm's way, before we risk their very lives, we ought to have a clear, achievable, military mission that is accomplishable.

I hope Members will ask themselves if they really think this is a clear, achievable, military mission that can be accomplished? Listen to what they are saying. The first task is to mark the border, the area of confrontation, and secure people moving back 2 kilometers on either side. But that border is not meant to close off traffic across it. How do you ensure people will not get within the 2 kilometers of the border when you have an established policy that allows people to move through the border all of the time?

Mr. President, that is double-talk. If you are going to have a border, and if you are going to have people kept away from it on 2 kilometers on either side, and if you are going to have a policy at the same time that says people can go back and forth at will, how in the world do you make that policy stick? You cannot. It is unrealistic and undefined right from the start.

Who do you stop? Who do you stop? Do you search everybody? It is not clear.

To call in a clear military mission is to play games with words as well as play games with the lives of our troops.

Ultimately, Mr. President, I believe it comes down to this: Are you willing to send American troops overseas and risk their lives for an ill-defined mission that interferes in the middle of a civil war? Are you willing to face their parents, tell them why their son or daughter gave their life?

Are memories so short that Members have forgotten what happened in Vietnam? Does no one remember that we sent hundreds of thousands of American volunteers to Vietnam, as well as draftees, and asked them to put their lives on the line, and our political leaders were not willing to take the risk of making a commitment? I do not know of any American that is proud of that fact but it is the truth. Over 50,000 Americans lost their lives in Vietnam, and for what?

Mr. President, I volunteered to serve in Vietnam and I did because I believed in it. I believed we were there to defend freedom worldwide, and whether it was the face of a Vietnamese or the face of a European-American, blood could be proudly spilled to save their freedom.

Mr. President, our political leaders did not believe that. Our political lead-

ers asked people to give their blood but were not willing to take a chance and make a clear stand. They were not willing to establish a clear military mission.

Mr. President, this is not a PR game. The risks are not good press or bad press. The risks are American lives. The risk is parents losing their child. The risk is a spilling of blood and not standing for a cause.

We made a mistake in Vietnam because our leaders risked American lives for a cause they were not willing to commit themselves to win. Now, not many of us realized that was the case. If you told the people that served in Vietnam their political leaders were not willing to stand up to win the cause they were asked to give their life for, they would not have believed you. Who would have believed you? How could you ask people to give their lives when their political leaders did not believe in the cause? That is what this country did.

Mr. President, it is my belief that the American people when it was over vowed that would never happen again. If the cause was important enough to ask people to sacrifice their lives, it is important enough for us to try to win. Our mistakes did not end there.

President Reagan deployed troops into Lebanon. We were so concerned about PR that the guards at the gate were not even given the bullets for their guns. Let me repeat that because I think most Americans will find it hard to believe. We had a barracks full of Marines, and the guards at the gate were not given bullets for their guns because we were afraid of an incident. Instead of suffering bad publicity for an incident we were willing to sacrifice the safety of troops.

That is what happened. A terrorist truck drove through the gate because the guards did not have bullets to stop him and killed over 250 Americans, or close to 250 Americans. For what? For what? Tell me what they gave their lives for.

We made a political commitment that sounded good but we would not stand behind it. It seems to me before we make a political commitment, before we send U.S. troops, we better have a good reason for doing it, and it ought to be important enough for us to stand behind the people who put the uniform of this country on.

Does anybody believe that we will not stand behind the troops that we send to Bosnia? Come on, now. Yes, this will generate press. Yes, there will be a lot of attention. Does anybody really believe we will not stand behind those young men and women who go over? Does anybody believe the cause of interfering in a civil war is important enough to lose their lives?

Somalia should come to mind to some. President Bush deployed the troops. President Clinton expanded the

mission. And when the commander of the troops asked for equipment to do their jobs, to protect the troops, the Secretary of Defense—because the decision went all the way up to the Secretary of Defense—turned them down. He refused to allow them to have armored personnel carriers which had been specifically requested. Why? We asked the Armed Services Committee to ask the Secretary that question. Before he gave the answer, he left office.

But the truth is, the military establishment of this country made a decision to not supply the equipment that was needed to save those boys' lives because they were afraid it would send the wrong public relations signal. That was the word that came out: We did not want to send the wrong signal. Public relations was apparently more important than the lives of the American servicemen that were on the line.

In case anyone has forgotten, that helicopter went down and they defended themselves from attack and they called for reinforcements. And reinforcements tried to come from the airport compound but they did not have armored personnel carriers. And when people shot at them from both sides they pinned down the reinforcements, they could not get through to help them. American forces held out as long as they could and, when their ammunition ran out, when their ammunition ran out the Somalis came and hacked them to pieces. And the armored personnel carriers that they requested and had been turned down by the Secretary of Defense for PR reasons, could have saved their lives.

We are not playing games. This is not a PR move. These are real troops and real bullets in a real civil war. We are risking American lives. For what? Because you are going to end a 500-year-old conflict? Do not be silly.

Because these people, with American troops' presence, will suddenly honor their peace commitments that they have never honored in 500 years? Somebody would like to sell you some land in Florida, if you really believe that.

The truth is, I do not believe we have placed a high enough value on the lives of the Americans who serve our country in uniform. The question is not whether or not they should ever risk their lives. No one should go in the military not knowing they do that. Americans are willing to risk their lives and we are willing to shed our blood for freedom around the world, and we have done it more effectively and more efficiently than any people in modern history. But the line is drawn when you ask Americans to give their lives for nothing. I believe that is morally wrong. I believe it is morally wrong, to have Americans give their lives in Somalia when you do not have a clear military mission and you will not stand behind them.

It is not wrong to ask them to give their lives and shed their blood. It is

wrong to ask them to do it for nothing, and that is what we did in Somalia. It is wrong to ask them to do it for nothing in Lebanon, which is precisely what happened. It is wrong to ask them to do it for nothing in Vietnam, when our very leaders would not stand behind the men and women who risked their lives.

I believe it is wrong, it is morally wrong for us to send young people to Bosnia to risk their lives in the middle of a civil war among people who have not honored a peace agreement.

Some would say, if we do it, at least they have had their chance. Tell me how you would feel, looking into the eyes of a parent who had lost his or her only child. "Yes, your son or daughter died, but at least we gave them a chance." Would it not be fair and reasonable to ask, "Was it a good idea? Did it have reasonable prospects to succeed? Did you do everything you could to protect them?"

Mr. President, what we are faced with is a decision that degrades the value of American servicemen and servicewomen. It says that their blood can be shed on a whim; that they are pawns in a chess game; that their lives are not important enough for us to take seriously.

I believe every person who puts on a uniform has an obligation to this country, and the obligation goes to laying down their very lives. But I think it is wrong for us to think that obligation runs in only one direction.

This country has an obligation to those who serve it as well, and that obligation is to make sure we never put them in harm's way unless it is on a clear, achievable, military mission, one that we are committed to win. Then I think we have the right to ask everything in the world from them, everything they can give, because the existence of freedom in this world depends on them. What we see is an effort to cheapen the value of the lives of young Americans who are willing to serve this country. I, for one, will not vote to authorize it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

#### VISIT TO THE SENATE BY ISRAELI PRIME MINISTER SHIMON PERES

Mr. HELMS. Mr. President, I have the honor, along with Senator PELL from the Foreign Relations Committee, of presenting the new Prime Minister from Israel, Shimon Peres.

I ask unanimous consent the Senate stand in recess for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Thereupon, at 5:45 p.m., the Senate recessed until 5:52 p.m.; whereupon, the Senate reassembled when called to

order by the Presiding Officer (Mr. GRAMS).

Mr. NICKLES addressed the Chair. The PRESIDING OFFICER. The Senator from Oklahoma.

#### THE VISIT OF PRIME MINISTER SHIMON PERES

Mr. NICKLES. Mr. President, I would like to join with my colleagues in complimenting our distinguished guest, Prime Minister Peres, for an outstanding speech to a joint session of Congress. I have heard several of them in my years in the Senate. But the Prime Minister's speech, which called for peace and continuing movement in the peace arena, I think is certainly to be complimented. And we are delighted to have him as our guest both in speaking to a joint session of Congress, but also as our guest this evening in the Senate.

It is an honor to have him in the Senate.

#### THE BOSNIA ISSUE

Mr. NICKLES. Mr. President, I wish to speak in opposition to the President's decision to deploy ground troops and ground forces in Bosnia.

I first would like to compliment Senator HUTCHISON, Senator INHOFE, Senator BROWN, and Senator THOMAS as well for outstanding speeches. Some of the best speeches that have been made in the Senate have been made this evening. Senator BROWN just concluded with a very moving speech detailing his opposition to the President's move. I agree wholeheartedly with their comments.

I also will make a comment. I have been to Yugoslavia with Senator DOLE. Some people are saying these resolutions are in opposition to each other. I would take issue with that fact. One of the resolutions we are going to be voting on that I had something to do with, or was involved with, said that we state our opposition to the President's decision to deploy ground troops in Bosnia—very clear, very plain, very simple. We think the President is making a mistake, and we want to be on record of it.

Mr. President, I will go further. I wish that we would have had a similar resolution when the President made the decision to deploy our Armed Forces into Haiti. I think he made a mistake. I have heard others in the administration say that was a success, and maybe that is the way they would define success. But I thought it was a mistake to have the invasion and occupation of Haiti.

I wish that we would have had a chance to debate that and that we would have had a sensible debate on it. We did not have that.

So I am pleased that we are going to have debate on these two resolutions today and tomorrow. Some of my colleagues said, "Well, we wish we could



have had more extensive debate." I would agree with that. But the President is going to Paris tomorrow evening to sign an accord on Thursday, and not only will the Senate be taking this up but the House will be. So it is important for us to take it up today and dispose of these two resolutions—maybe three resolutions—by tomorrow.

Also, Mr. President, I want to make just a couple of comments on how we got here and why I have decided to oppose the President's decision to deploy these troops.

In the first place, I mentioned my opposition to the President's decision on sending troops into Haiti. Senator BROWN commented on the President's mistaken mission in Somalia where the mission moved from a humanitarian mission into that of peace enforcing, or peacekeeping, and a greatly expanded humanitarian role that resulted in the loss of 18 American lives.

But I want to go back a little bit further. I read in President Clinton's book in 1992, "Putting People First"—then candidate Bill Clinton. He stated his administration would "support the recent more active role of the United Nations in troubled spots around the world, and pursue the establishment of a voluntary U.N. rapid deployment force to deter aggression, provide humanitarian relief, and combat terrorism and drug trafficking."

That is on page 135.

In 1993, the President's proposed PDD-13, an expansion of the U.S. role in U.N. operations, and multinational U.S. forces under a foreign multinational U.N. military command. He proposed creating in the office of the Secretary of Defense an Office of Peacekeeping and Democracy at the Pentagon, talking about having this post be used to coordinate international peacekeeping forces.

I think that is a mistake. I have debated that and raised that on the floor of the Senate in the past.

Let me talk a little bit about my opposition to the President's use and deployment of ground forces in this area. I heard the President's speech to the Nation, and he talked about this is going to be a "clearly defined military mission." I do not see any way that anyone can call this a clearly defined military mission. Maybe I am thinking in more simple terms. But clearly defined military mission would be similar to the Persian Gulf where you had Iraq invade Kuwait, and we said that invasion will not stand, and we are going to kick them out of Kuwait. An army invaded. We are not going to allow that to stand. We are going to knock the army out. That is what we did. President Bush said that is what our objective was. It had a clearly definable military objective. We built the forces necessary to make that happen, and we executed it. Then our forces came home.

That is not the case in Bosnia. This is a map of Bosnia. This is the country of Bosnia. It is under control partly by the Serbs. It is under control partly by the Moslems. It is under control partly by the Croats. Each of these areas have different ethnic groups that have been fighting for centuries.

So now we are going to have military forces serve as a buffer all around, all throughout Bosnia. That is going to be a very difficult goal.

How is that a clearly definable military objective? We are going to insert our troops between fighting factions. But we are going to allow people to move back and forth. And then there are all kinds of missions and roles. We are going to allow refugees to return to their homes. In some areas right now they are not complying with the accord that has already been signed. We are going to enforce the Dayton agreement. This was a U.S.-led agreement, the Dayton accord. And all three Presidents signed it. The leaders of the Serbians, the leaders of Bosnia, and the leaders of Croatia signed that agreement. They are not complying with it now. But we are going to put U.S. forces in—almost an Americanization of this conflict. And we are going to have U.S. forces in charge of carrying out the Dayton accord.

Since that accord has been signed, I hope my colleagues are aware of some of the violations that have taken place. Bosnian Croat soldiers have defied the peace plan by looting and setting ablaze a couple of towns. Those towns are to be shifted from Croatian control to Bosnian Serb control. They are burning the town. That is not in the Dayton accord, but they are doing it. I guess our troops are going to stop that.

Last week the Croats released from jail Ivica Rajic, who was indicted by the International War Crimes Tribunal in The Hague. Such action is in direct violation of the Dayton accord where all sides pledged to cooperate with the tribunal. They released him.

Mr. President, President Clinton has said, well, we are going to put our troops in. Originally, some time ago, he said we would put U.S. troops in. Then, earlier this year, he said we would put in troops for a reconfiguring and strengthening of U.N. forces in Bosnia. The United Nations has had 30,000 troops there in the Bosnia area. They were not bringing about peace. All sides continued to fight, to move the map around. He said we would commit U.S. forces. He did not ask Congress. He said we will commit U.S. forces to redeploy and reconfigure. Well, that was a mistake.

Mr. President, if you look at this goal, are U.S. forces and the rest of NATO forces now going to be in charge of policing? Are we going to go in and arrest people who are guilty of war crimes?

It seems to me that is what we were trying to do in Somalia. We tried to

get General Aideed because he was guilty of some crimes, and the net result was, yes, we had troops going in harm's way and we lost a lot of lives, as Senator BROWN alluded to. We did not provide the military support.

Now the President said, I understand, we are going to send in military support. Is that one of our goals? Are we going to be policemen? Are we going to go and arrest people for crimes against the other sides? Are we going to enforce refugee resettlements? Are we going to tell Serbs in Croat homes they are going to have to get out of those homes, and vice versa, and use force of bayonets?

Are we going to use our forces strictly as a buffer zone in dangerous areas, targets on both sides, allowing people to move back and forth that may have a violent intent either against the other side that they have been fighting for years or maybe against the United States? Are we going to use U.S. forces to clear mines?

And I know I have some Oklahomans now that are trained in that area, so they are going to go in. We are going to use them to clear certain areas for mines. And what if somebody runs away that is guilty of firing on our troops and happens to evade them over a mine field and so we risk more lives? And what about this idea—the President said, well, this is a NATO mission, and I have heard people say this is a vital role for NATO because if we do not do it, this is going to show that NATO has no valuable purpose.

NATO was created as a defensive alliance to deter invasion or aggression from Russia. And now we are taking NATO troops from the NATO allies and saying we are going to put NATO in a peacekeeping force in a non-NATO country. Bosnia was not invaded by Russia. It was not invaded by other non-Yugoslavian countries. The Serbs certainly did take their fair share of the territory and the Croats are in there as well, but this is Yugoslavia's civil war. But we are now putting an expansion of the NATO role into moving from a defensive alliance, which we have been the leader and the supporter of, that has proven to be so successful for the last 40 or 50 years, now we are putting it into a peacekeeping role, into a non-NATO country, into an area where the U.N. peacekeepers were not successful and so now we are going to greatly expand NATO's role.

I think we need to discuss that and debate it. Is this what NATO's mission is going to be in the future? It looks like NATO creep, mission creep, to me. And one that I have serious reservations about, very serious reservations about.

Some have said, well, this is important; we need to make sure that this war does not expand. There is lots of potential for this war to expand as a result of this effort. Now a lot of the

Serbian areas are going to have Russian troops in them, and a lot of Moslem areas are going to have Western troops including the United States. What happens if some Serbs happen to fire on some Moslems and we try to interject, and so we return fire against the Serbs, and maybe the Russians are in that quarter—and so there is the possibility of some conflict between United States and Russia.

I hope that does not happen. I pray it does not happen. But I see a lot of potential where there can be some spill-over from this so-called peacekeeping force.

Mr. President, we call this peacekeeping, but really what this is is peace enforcing, so it has moved a giant step against peacekeeping. If it is really peacekeeping, they would not have to be there. If there was peace, they would not have to be there. As Senator BROWN mentioned, they have been fighting for hundreds and hundreds of years. How in the world are we going to go in and solve this problem in 12 months and then go out?

And what about the 12-month timetable? Is that to say our military objective is going to be totally complete in 12 months or is that a political timetable: Oh, we better get them out before the next election. It sounds a lot more political to me than it does a militarily definable, achievable objective. Oh, in 12 months we are going to be gone regardless of what happens.

Well, that does not seem to make sense. Is there a militarily definable objective? I do not think so. I think we are in the process of getting bogged down in a lot of nation building.

You say, oh, well, how could that be? If you read the Dayton accord, it talks about a lot of things. It talks about policing the agreement. It talks about buffer zones. It talks about refugees and resettlements. It also talks about establishing a constitution and a democracy and a revolving presidency, a revolving presidency between the Croats, the Moslems, and the Serbs.

That may sound nice and look kind of good on paper in Dayton, OH, but I question whether that is going to work. If you go back a little bit in history in the former Yugoslavia, where you had several republics, they were supposed to have revolving presidencies. Guess what. The Serbs ended up getting control and they revolved or rotated the presidency. They still have it. Mr. Milosevic was still running Greater Serbia, and he wanted to expand Greater Serbia. That is the reason they moved into Bosnia. So this idea of a revolving presidency certainly is nation building, i.e., and that sounds a lot like Somalia. That does not sound like a militarily achievable objective, at least in my opinion.

And so we look at the resolutions that are before us. The resolution that I am speaking on behalf of as well as

Senator HUTCHISON and Senator INHOFE Senator BROWN, Senator KYL, and others says we oppose the President's decision to send ground forces into Bosnia to carry out the Dayton accord. I look at the arguments for it, and I think if you look at this map, it looks like a congressional district in Louisiana. And you see a lot of areas. Well, while there are Serbs in this area, they have to move back and the Bosnians will have to take control and Sarajevo Serbs have control in some areas and they say they are not going to give it up.

Does that mean U.S. forces or other forces are going to come in and enforce that agreement? And what if they do not give it up without a fight? And on and on and on. And this is throughout. What if they say, well, before we leave, we are going to raze it or we are going to burn it. And that is what they are doing right now. Or what if there are war criminals and they say, instead of apprehending them, we are going to let them go, as they just did in one case where the Croats released a person indicted by the international tribunal.

In other words, there are already big, large, gross violations of the Dayton accord, and now we are going to be putting U.S. forces in. Now, U.S. forces, or at least a lot of U.S. forces that I know from Oklahoma, they will not know the difference between the Serbs and the Moslems and Croats, who are the good guys and bad guys. I tell you, there are lots of bad guys around on all three sides, but yet we are going to be putting U.S. forces under an American general to be making decisions. So we are almost Americanizing this war. But we say we are going to be out in 12 months. I do not see it adding up. I do not see it working. I do see us risking a lot of U.S. lives and a lot of prestige for something I think is clearly not definable.

Now, look at Secretary Christopher's words. He testified in April 1993 before the Appropriations Committee. He said four criteria have to be met before American troops will be deployed.

Now, this proves a couple things. One, they were talking about deploying American troops 2½ years ago. Well, now they have been successful. But they said the goals must be clear and understandable to the American people. Well, that has not happened. That is a big no. You ask the American people, what are our goals? Well, we are going to get out in 12 months. We want to speak for peace, but if we look at all these guidelines where we are going to be the buffer, no, I do not think so. If you say we want American forces to be clearing mines, something like 5 or 6 million mines, landmines, hopefully we will not lose any American troops to landmines, but I am sure that we will.

And Americans are going to start questioning those goals. "Wait a minute. Why are we there? The chances

of success must be high." I do not think they are high. I hope they are. I hope there is peace.

But I think just because we have deployed ground forces, what happens when we leave? We may be somewhat successful with 60,000 troops. Putting them into an area smaller than the State of West Virginia, that is a lot of troops for an area that size. Bosnia is a small area, about 60 percent of the size of South Carolina, a little smaller than West Virginia. It has about 4.5 to 5 million people, so it has a lot of people. But we are going to put 60,000 troops in there.

We may be successful in restoring some degree of peace for a while. What happens when we leave? We said we are going to be gone in 12 months. I am afraid the war is going to start again. If so, then I say, hey, that has not been successful. If we leave, like we did after Lebanon or like we did after Somalia, I would say that is not a success. We may have alleviated some of the fighting or some of the starvation for a short period of time, but if they start fighting, as they, I am afraid, will in this case, I do not think that we have been successful.

Third, this is Secretary Christopher's criterion: The American people must support the effort. The American people do not support this effort. I do not believe you should manage foreign policy by polls, but I do think, before you commit U.S. ground forces and make a commitment where we are going to be committing U.S. forces and lives, you should have some support of the American people.

The American people are opposing this action by a two-to-one margin. That has not changed since the President has tried to make his case, and the administration people have tried to make his case.

And then, an exit strategy for getting the troops out must be established from the beginning. We do not have an exit strategy. We have a timetable that says we are out in 12 months, not that we accomplished our objective, because our objective is not that clear, is not that definable. It just says we are going to be out. That is a timetable for exit, but it does not say anything has to be accomplished. Again, I think it is a mistake. Under Secretary Christopher's own criteria I think it falls on all four categories.

Mr. President, I do not think we should send U.S. ground forces. I think President Clinton has made a mistake. I think if you look back at the statements that this administration has made, even as a candidate, as the policies go back for the last 3 years, they have been talking about putting U.S. ground forces in international peacekeeping efforts. I am afraid we are making a mistake, like at the date in the accord, the date in the agreement.

I see lots and lots of areas that are nation building. So we are going to be



committing United States ground forces into rebuilding a democracy or a government in Bosnia, a government that is very fractured, a government that is very divided, with ethnic divisions, one where there is a lot of hatred, a lot of animosity, and putting United States forces right in the middle. That is not a clearly definable military objective.

Again, I think it is a serious mistake. So I hope that our colleagues will support this resolution.

Mr. President, I ask unanimous consent that an article by Judge Abraham Sofaer that was in the Wall Street Journal, which points out many of the shortcomings of the Dayton accord, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### CLINTON NEEDS CONGRESS ON BOSNIA

(By Abraham D. Sofaer)

President Clinton has appealed to Congress and the American people to support his policy committing 20,000 ground troops to implement the peace agreement reached between Serbia, Croatia and Bosnia. It is a tribute to the American people that the president is accorded the greatest deference when he calls for the greatest sacrifice. Americans respond, at least initially, to such appeals from their president.

But Mr. Clinton is exploiting this quality. He has presented the agreement and the American role in its enforcement as an accomplished fact, though the documents have yet to be signed by the parties, and numerous preconditions to U.S. involvement have yet to be fulfilled. He is consulting with Congress, but he is already sending troops to the area without any form of legislative approval. Indeed, he claims that, while he would welcome Congress's approval, he plans to go ahead regardless.

Presidents often try to get what they want by leading aggressively. Congress nevertheless has a duty to study carefully the proposed operation and then express its view. The essential first step in that debate is to read the documents signed recently in Dayton. The complex agreement, with 12 annexes, calls for Bosnia to remain a single but divided nation, and all the warring factions to withdraw to specific lines. The agreement covers virtually all aspects of future life in Bosnia, including the division of its governments, the contents of its constitution, the selection of its judges, and the manner in which its police force is to be chosen and trained. Of principal interest to Congress, though, are those aspects of the agreement that create obligations and expectations for the U.S. to fulfill.

#### OUR OBLIGATIONS

These obligations, when carefully examined in context, carry to the ultimate extreme the policy of forcing a settlement on the Bosnians, rather than attempting to create an internal situation that is militarily balanced. Most significantly, the agreement makes the U.S., through the "implementation force" (IFOR), the military guarantor of the overall arrangement.

The role of U.S. troops cannot be characterized as "peacekeeping." Even "implementation" understates our obligation. IFOR will be close to an occupying army. In a conflict that has merely been suspended. We are

likely to have as many difficulties acting as occupiers without having won a victory as the U.N.'s war crimes tribunal is having in attempting to apply its decisions in Bosnia without the power to enforce them.

IFOR's principal responsibilities are set out in Annex 1(a) of the agreement:

The parties agree to cease hostilities and to withdraw all forces to agreed lines in three phases. Detailed rules have been agreed upon, including special provisions regarding Sarajevo and Gorazde. But IFOR is responsible for marking the ceasefire lines and the "inter-entity boundary line and its zone of separation," which in effect will divide the Bosnian Muslims and Croats from the Bosnian Serbs. The parties agree that IFOR may use all necessary force to ensure their compliance with these disengagement rules.

The parties agree to "strictly avoid committing any reprisals, counterattacks, or any unilateral actions in response to violations of this annex by another party." The only response allowed to alleged violations is through the procedures provided in Article VIII of the Annex, which establishes a "joint military commission"—made up of all the parties—to consider military complaints, questions and problems. But the commission is only "a consultative body for the IFOR commander," an American general who is explicitly deemed "the final authority in theater regarding interpretation of this agreement. . . ." This enormous power—to prevent even acts of self defense—will carry proportionate responsibility for harm that any party may attribute to IFOR's lack of responsiveness or fairness.

IFOR is also given the responsibility to support various nonmilitary tasks, including creating conditions for free and fair elections; assisting humanitarian organizations; observing and preventing "interference with the movement of civilian populations, refugees, and displaced persons"; clearing the roads of mines; controlling all airspace (even for civilian air travel); and ensuring access to all areas unimpeded by checkpoints, roadblocks or other obstacles. Taken together, these duties essentially give IFOR control of the physical infrastructure of both parts of the Bosnian state. It seems doubtful that the 60,000-man force could meet these expectations.

Article IX of the agreement recognizes the "obligation of all parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." This is an especially sensitive matter. Yet there is no mechanism in the accord for bringing to justice men who haven't been defeated in battle and who aren't in custody. This means that IFOR is almost certain to come under pressure by victims and human rights advocates to capture and deliver up the principal villains. Will it do better than we did in fulfilling our promise to capture Mohammed Farah Aidid in Somalia?

The agreement makes vague promises about reversing "ethnic cleansing" by guaranteeing refugees the right to return to their homes. Since this is in practice impossible, the West will end up paying billions in compensation awards promised in the agreement.

The agreement contains numerous provisions regarding the manner in which Bosnia is to be governed, with checks and balances built in that are based on ethnic or geographic terms. But Americans traditionally have not believed in such divisions of political authority. We fought the Civil War to put into place an undivided nation based on the principle that all people are of equal worth,

and all must live in accordance with the law. It took a Tito to keep the ethnically divided Yugoslavia together. Will IFOR now assume his role of enforcing a constitution based on principles abhorrent to Western values? Even if the basic structure of the government works, what role will IFOR have to play in resolving disputes over the numerous sensitive areas that the parties have seen fit to write into the accords? If the parties don't resolve some matters successfully, they are likely to blame IFOR for these failures.

Finally, the agreement draws a vague distinction between "military" and "civilian" matters. Ultimate authority over the latter is allocated to a U.N. high representative, who is to act through a "joint civilian commission" consisting of senior political representatives of the parties and the IFOR commander or his representative. The high representative is to exchange information and maintain liaison on a regular basis with IFOR, and shall attend or be represented at meetings of the joint military commission and offer advice "particularly on matters of a political-military nature." But it is also made clear that the high representative "shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command."

This may seem a reassuring confirmation of IFOR's power to avoid U.N. restrictions on the use of force. Ultimately, however, IFOR's role could be made untenable if it finds itself in a confrontation with the U.N.'s designated representative and the proper handling of a "political" matter. What would happen, for example, if the U.N. high representative determined that U.S. forces had gone too far in defending themselves under President Clinton's policy of effectively responding to attacks "and then some"?

#### EITHER/OR

Congress cannot redo the agreement reached by the parties. But there is no need for lawmakers to accept President Clinton's either/or approach—either support his plan to implement the agreement, or pull out entirely. If the agreement represents a genuine desire for peace among the warring parties, then presumably the accord is not so fragile as to depend on the oral commitment of U.S. troops made by the administration (and which isn't even part of the agreement). Congress can and should consider other options. The U.S., for example, could assist European forces in demarcating the boundary lines, and could enforce peace in the area through the threat of air strikes on important targets. Or the U.S. could offer greater monetary and diplomatic support for the agreement but not any ground troops.

Whatever happens with the troop commitment, Congress should insist that the agreement's provisions allowing the training and arming of the Bosnian Muslims be rigorously adhered to. A balance of power among the hostile parties is ultimately the only basis for long-term stability in the region. And if American troops are sent to Bosnia, they will be unable to leave responsibly until such a balance has been developed. That would certainly take longer than the yearlong limit imposed by the administration.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I listened very carefully to the last several speakers here on the floor, and I find

myself almost at a loss as to where to start. If we go through a factual reality check here, on how this situation developed, I do not find it much like what I hear being discussed here on the floor.

One of the speakers this evening talked about our entry into combat and equated it with Vietnam, equated it with Lebanon, where President Reagan—whose name has not been mentioned here although Clinton's has this evening, that is for sure—put 1,600 troops into Lebanon and said, "We're going to stabilize Lebanon by making an example there, and that will bring them around." That is what got us into the trouble, not thinking the thing through, and thinking that a little bitty show of force would bring an end to what had been very lengthy combat in Lebanon.

So I think we need a reality check here. To equate this whole effort as just some sort of a PR stunt does a disservice to the floor of the U.S. Senate and to our Government. It was even questioned as to whether we would stand behind our troops in Bosnia once they are in there. What a ridiculous statement. I find that abhorrent.

Now, statements were made that we were injecting our people into a civil war, we are putting our people into combat. Now, let us get back to reality here.

I agree completely that there have been long and historical difficulties in the Balkans. We do not need to run through all those this evening except to say some of these problems literally go back to the time of the Caesars. They are that old. The ethnic, political, and religious differences in that area led one of the Caesars to split the area that later became Yugoslavia into the East Roman Empire and West Roman Empire. That is how the orthodox influence came up into that part of the world.

It has been a caldron of problems that contributed to the beginnings of two world wars. We have always had an interest in that area. We have a lot of people in our own country, a lot of people in my home State of Ohio representing the different ethnic groups in that part of the world.

President Clinton said we would send 20,000 people in if—these were big "ifs"—if we could get arrangements for fighting to be stopped, so we could move in. We are not going to fight our way in. We did not make a commitment to actually send them in until some other things happened.

What were those other things? And these are very, very important. What happened was that over the past 4 years the war has become so difficult for people in that area, that they wanted peace. They asked us to broker the peace. We did not suggest fighting our way in there. President Clinton has not said we are going to fight our way in

there. Quite the opposite. They came to us and said they are tired of war.

My colleagues have asked how can we believe these people who have been fighting all these hundreds of years are not just going to keep on fighting. Well, the big difference now is that they are tired of war. Should we believe them or not?

Bosnia-Herzegovina is an area about one-half the size of the State of Ohio—we are not a huge State; we have about 41,000 square miles of territory in Ohio—Bosnia-Herzegovina is almost 20,000, 19,776 square miles, about half the size of Ohio. In other words, think of Ohio, and Interstate 70 goes across the middle.

If, in that area down between that Interstate 70 and the Ohio River, we had had 250,000 deaths in the last 4 years and we had two million refugees in the last 4 years, would we be ready for peace? That is what occurred over in Bosnia. Even the most ardent warriors over there have become tired of war, of the slaughter and the displacement of people.

While every individual may not be signed on, 100 percent going to lay down their arms, this is what happened. They came to us. Diplomatic channels said all parties seemed to be ready to have us broker a peace if it was possible.

I must commend Ambassador Holbrooke. I think he did a masterful job over there, stayed at it, stayed at it, stayed at it, stayed at it, back and forth, one capital to another, one group to another until they had an agreement to go to another place and try to negotiate peace. They came to Dayton. Wright Patterson was selected because the facilities were there providing security, some place to live, some appropriate barracks, and so forth. So they came to Dayton.

Let me give my view. I was very dubious of this whole process at that point. I thought they would come to Dayton and it would be a short-lived conference. And what happened? Well, they not only asked to negotiate, but they, the parties involved, came to Dayton. They, the national leaders, the heads of state, did something I would not have thought possible: They stayed at Dayton for 21 days, the heads of state stayed there for 21 days negotiating. They finally hammered this thing out, and they initialed an agreement there, all of them. And they will sign it the day after tomorrow in Paris.

So it is not our peace, it is their peace, with us making suggestions. But they are the ones who initialed it. They are the ones who asked to negotiate to begin with.

What is our part in it? Our part is to help implement what they have agreed to.

Much was made on the floor a few moments ago about what if they back out and the fighting starts again? They

back out and what happens? I will say this, if that happens and if they break the peace agreement that they signed, that they wanted, that we brokered, that they agreed to, it is their failure, not ours. We are not there, as the President has said, the Vice President has said, the Secretary of Defense has said, General Shalikashvili has said, General Joulwan in Europe briefed us, to enforce a peace by forcing anyone back across a border. If they have decided this peace is no longer for them and they are going to start fighting again, our commitment at that point is we tried, we gave you people your chance at this thing, and we are out of there. We are not there to conduct large-scale combat. If that were the case, we would be going in with far more than 20,000 people, in my view.

But let us say they do not back out and peace comes to the Balkans. We will have avoided the possibility of this conflict spreading over into Macedonia, down toward Turkey, with all that might entail. We have avoided the possibility of it breaking across borders up toward Europe, maybe into Eastern Europe. And we will maybe, possibly, have peace in that area because they asked for it, they wanted it.

I had doubts when they came to Dayton and I wanted to see two things happen. I said this publicly at the time and talked to the President about it, talked to the Vice President about it, and talked to the Secretary of Defense about it. Two things: First, this agreement could not be wishful thinking. This agreement could not be something where we say, Well, yes, we're going to go in over there, and, yeah, since they want peace we will be able to settle in down there and we'll draw some borders once we get there and then we'll provide some peace.

No, we could not do it that way. I felt that would be a recipe for disaster. I would have bet a sizable amount against the parties at Dayton really drawing up an agreement in sufficient detail that, as I said one night in a meeting at the White House, we have to decide which peach orchard is in what entity when you draw these lines. It had to be in that kind of detail.

A second element was that the firing had to have stopped. That was a commitment agreed to by everybody. The parties had to see that the irregulars also will have stopped firing. And then we go in to maintain the peace.

What came out of the negotiations, as far as detail? I brought along a chart. This is a chart they agreed to in Dayton. The detail was to be 1 to 50,000 scale. This is a brandnew map, just a few days ago. This is the separation zone. This area in here is an area that is an interim zone which the troops will move out of and back to these lines, and that is to occur within a stated time period.

What is the accuracy of this? An inch on this scale would be somewhere



around 4,000 feet, and the center line that is the demarcation line that we will monitor, shown in the center of this zone, accurate on this scale map to within 50 meters, close to 160 feet. Now, that is pretty good accuracy.

We have the whole of Bosnia and Herzegovina. All of that area has this kind of a map. I could not bring all the maps, because 1 to 50,000 would have an area about half the size of that wall at the end of the Senate Chamber. But our section will be up in this area, around Tuzla, up in this northeastern part of Bosnia and Herzegovina, depicted here.

This is Tuzla, which will be the American headquarters out of which we will operate. We will be operating to keep these zones clear in here. Why do we need to do that? If they said that they wanted peace, they are tired of war, 250,000 people killed, 2 million refugees in a small area, why can they not all just sit down and say, Stop fighting, and that takes care of that?

One very good reason. The previous cease-fires that they have had in that area have been broken, for the most part, by what are called the irregulars. We were briefed on that when we were over there a few weeks ago. At least 20 percent, and some estimates run as high as 50 percent, of the combatants in this area are what they call irregulars. They are the farmers who go up and shoot, are up there manning a rifle or machinegun a few days, go back to their farm and somebody relieves them. They are not the people who are used to the usual military commands up and down the military structure.

What has happened on most of the past cease-fires, and they have had over 30 of them in these 4 years of war and they have always broken down, is that somebody gets up there, triggers off a few rounds, the firing spreads and pretty soon the cease-fire has broken down.

So the situation we find ourselves in is we have an agreement. I would not have thought it was possible to reach the kind of agreement they did in Dayton. It is detailed. The borders are established. It has been initialed. It is laid out on the 1 to 50,000 chart right here. In the local areas, they will have charts to a bigger scale, of course. The firing must have stopped, and the cease fire held while these negotiations were underway, by and large.

When we go in, it will not be to fight our way in. It will be to go in and man these zones that keep the combatants apart. One reason that is a 4-kilometer wide area is so the small arms fire cannot be used across a zone. There are 2 kilometers on each side of that center mark down the middle of that zone.

We will keep the forces separate. They say—they say, not us—they say that they want peace. We have helped them negotiate an agreement, and sur-

prisingly, it is in enough detail that you can pick out which orchard is going to be where and which road intersection is going to be where. It is in that kind of detail. When we get over there, we will not go into areas where there is any active fighting that may have popped up again. We are not going in to squelch someone, we are not there to fight a war on one side or the other. We are there to set up a separation zone and enforce it.

The question was asked on the floor here, what is our military task? Military tasks were agreed to at Dayton. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff and the Secretary of State have repeated these things over and over again. All parties have agreed that they will cooperate with us in these things that they asked us to enforce.

Let me add one thing here. Why us? Why do they want our involvement? Why did they say they would not go along with just the other members of NATO unless we were involved? It is rather simple. They trust us and they do not trust the Europeans in NATO, and they have said that. This was stated to us in numerous briefings. They do not trust the others, but they do trust the U.S.

Our job will be, first, to go in and supervise the selective marking of cease-fire lines, inter-entity boundary lines, and zones of separation, which is what we are talking about here. First zones will be marked, then military forces will begin moving out of the zones back into these permanent areas here.

Once that has occurred, we will monitor and, if necessary, enforce withdrawal of forces to their respective territories within an agreed period. We will ensure that they have withdrawn behind the zone of separation within 30 days of transfer of authority. That is a clear military task.

Then we will ensure redeployment of forces from areas to be transferred from one entity to the other within 45 days of transfer of authority.

Further, we will ensure no introduction of forces into transferred areas for an additional 45 days, establish and man the 4-kilometer zone of separation, outlined here on the chart, 2 kilometers on either side of the cease-fire interentity boundary line. We will establish liaison with local military and civilian authorities, and we will create joint military commissions to resolve any disputes that there may be between the parties.

Now, the statement was made a while ago on the floor that it smacks of nation building for our military in there. That is not true. Nationbuilding tasks are specifically not included as I-For tasks in the Dayton accords.

Things that will not be I-For tasks are the humanitarian operations. Those will be handled by other international agencies. Nation building, ec-

onomics, and infrastructure will be handled by others, not by our military. Disarming everyone is not an I-For task. Moving refugees is not a job for our military, nor is policing local towns, and so on.

So this idea that we do not have clearly defined military tasks is just not true.

Once again, I am still somewhat amazed that everybody agreed to all these things in Dayton and has said that they will abide by these commitments. If the parties decide that they want out of the agreement—we are already agreed, the NATO Ambassadors have said, General Joulwan told us during our briefings, and Secretary Christopher and Secretary Perry said, we are not there to fight on one side or the other. We would say that we successfully did our part. We would define our part as being a success if we went in there and manned these zones and kept them apart for a period of time, and they will have failed, not us. They will have failed the peace agreement that they asked us to negotiate, that they came to Dayton for, for which they stayed 3 weeks, 21 days, and they will sign in Paris the day after tomorrow.

Now, where does this leave us? Well, it leaves us, I think, with reasonable risk. Nothing is without some risk, that is true. Even when we have maneuvers in this country, military maneuvers, sometimes something happens. Someone slips off a tank and they are hurt. Nothing is absolutely safe. It is like an old saying in aviation, "The only way you have absolute, complete flight safety is to leave the airplanes in the hangar." I guess that is the situation we find ourselves in.

Will there be some risk? Yes. Will it be tolerable? I think so. If it becomes intolerable and forces build up, and there is a push, we are out of there. I will not see that as being a failure. I will see that as, we did our level best. This year period we are talking about is time enough. If they really want peace and they are serious about it, then all these other humanitarian groups and nationbuilding groups—not our military—will come in immediately after our presence is felt to try to help those people get their country going again. Within a year, the people of Bosnia are certainly going to see the benefits of peace, as opposed to continuing the slaughter, which has been their norm for the last several years.

Can 20,000 troops do it? Yes, I think they can. The 20,000 is not a force to come in for a big military operation. We are not going into a situation like the Persian Gulf, where we knew we were going into combat. It is the opposite. We are going in to help the parties and these irregulars to stay apart for a short period of time while we try, for the first time, to get lasting peace in that part of the world.

Now, what are some of these groups that will be coming in? Well, those are

being worked out right now, as to who will do what. But NATO itself will not be responsible—the NATO troops there will not be responsible for all the nationbuilding efforts.

I might add that, as far as risk goes, you know, I wondered one day how many people in the Peace Corps we had lost overseas, so we made an inquiry. It turns out that through all the years of the Peace Corps, which obviously includes many thousands of people and many places around the world, we have lost 224 people in the Peace Corps that have died overseas in accidents, of disease, or whatever. I think that is interesting. I would not have thought it was that high. So we take some small risk any time our people move out on any endeavor anywhere in the world. But the risks, to me, are minimal.

The benefits that can occur for the future are huge. NATO, for the first time, will have been moving out of their normal area. So, in that respect, it is an experiment. What has happened is, our military area that we are going to man as part of this force will be up here in this northeastern part. The British will be up in here. The French will be down around Sarajevo and down in this particular area down here.

So it is not, as was said on the floor a while ago, that we are mixing up our troops all over Bosnia. That is not true. We are responsible for manning a certain area, and that is it.

Now, I was afraid of one other thing. In the Balkan area we had the Soviet Union that through the years has had a special kinship with Serbia. It dates back a long time, a historical connection of heritage there.

I was afraid that if we went in there, and NATO went in there, and we found the Russians having an interest in coming down and supporting people over on the Serbian side, we could wind up with us in this area here with Russia supporting the Serbs in here. We would have had a possible confrontation there between Russia and our forces. That would have been a confrontation with the potential for very major disaster.

Now, what happened? Well, we got the Russians in. The Russians are going to be part of this. They will be manning some of this zone here adjacent to us, and they are cooperating in this effort. I think they, too, realize that if we do not get peace in that part of the world, it is liable to erupt again sometime in the future, and that would not be good for them, or us, or anyone else.

If we cannot begin to see the benefits of peace in a year, then maybe it is impossible. I do not know. Maybe those countries go back to fighting again. But I think we will have been proud at that time that we at least were willing to take the small risks to let peace try and take root in that area of the world.

I would think that some risk now may enhance the long-term leadership

of the United States toward peace and freedom around the world and, in the long run, actually save lives.

We have not been hesitant about taking jobs on around the world, and people trust us when we do this, by and large. We have many examples. We stayed in Korea since the Korean war.

With the Marshall plan, the Truman doctrine, back in the post-World War II days, we did not try to take over Europe and make it a 51st, 52d, 53d, or 54th State over there. We helped them. We had the Truman plan, the Marshall plan, all these things to help nations recover from war.

In other words, we have had a history of standing for peace and freedom around the world and, really, to take some minor risks to see that we encourage peace and freedom around the world. It does not always go perfectly.

Did we lose some people we wish we had not lost in Somalia? Of course. I think we probably also in the long run saved a million lives in Somalia with the effort that we were willing to make.

Are we wrong in trying to broker a Mideast peace? We had Prime Minister Shimon Peres here not 20 minutes ago on the floor of the U.S. Senate. He was here and gave a brilliant speech today. We have helped Israel and the Palestinians to bridge some of their differences. We have tried to broker peace in that area.

We did not try to take Japan after World War II. We have tried to advance peace and democracy throughout South and Central America. We have a lot of budding democracies in that part of the world, Cuba being the major exception. We went into Haiti. It was criticized here on the floor a little while ago, but I think we are seeing Haiti come around, it is up and down, up and down, but generally up. It is a more peaceful situation than we might have thought was possible.

Northern Ireland. Nuclear Non-Proliferation Treaty we got permanently extended. We have tried to be a force for good around this world to our everlasting credit.

To those who say we should not even risk going into this area I would say—they wanted the peace, they asked us to broker it, they have initialed it, they are the ones who will sign it in Paris. It is their peace, not ours. We are just trying to help them implement it. So to bring up all these what ifs and dire consequences—I think it is good to think about those things and be prepared for some of these things. But to stay out of that area because some of the things mentioned here on the floor might possibly remotely happen, I just do not think that should be done.

We are, indeed, a nation that wants peace and freedom around the world. We have stood for that and stayed involved around the world. That does not mean at all that we try to take on all

the problems of the world. We cannot be the world's policemen. I agree with that. But where we have an area of such historical conflict and importance to Europe, to not seize this opportunity—and I do view it as an opportunity—to not seize this opportunity to try to help them implement the peace that they say they want, I think would be wrong.

I think we are well justified in going in, and I would not have thought this was possible 7 or 8 months ago. I would not have thought we would have such a detailed agreement, that I could stand here with a chart like this on the floor of the United States Senate and say these details have been signed onto by all parties in the Balkans. This is one small part around Tuzla, and the total map on this scale in the Senate would be the whole size of the wall; 50 charts cover Bosnia and Herzegovina.

What we are doing is providing them a structure for implementing the peace they said they wanted and they agreed to. If they decide to opt out, then we are opting out, too. We will have done our job. I personally declare it a success that we tried. If they are dumb enough to break up the peace after all this effort, and all the nation building that will be going on in that area, then I must say I do not have much sympathy for them from that point on. We will not fight our way in. We only go in if all firing has stopped.

Are we do-gooders, trying to do too much around the world? I do not think so myself. We take some risks for potentially huge benefits. The rest of the world looks at us as a nation that has no territorial designs. They trust us. I think we just might be able to implement this agreement and see peace break out in that area for an indefinite time into the future. If so, we will have done a great, great service for the rest of the world and particularly for that particular area.

I know we will be debating this question tomorrow here, I do not think there is a final agreement yet on exactly how long tomorrow we will be debating these issues. But I think if this works out, then we will avoid the possibility of an encroachment down through Macedonia or toward Turkey. We will not see fighting spread across borders into eastern Europe.

We will maybe have been a real instrument for peace. That is the objective here—not another Vietnam, not another Lebanon, not all the things that were mentioned here on the floor a little while ago. Maybe, just maybe, we can be a force for peace in that part of the world. That is the objective.

I think we stand a very good chance of doing that. I support the President's move, and I hope that we can send an overwhelming message of support, because I do not want to have the people over there thinking that we are a divided nation back here. That would be



the worst situation that we could possibly have.

Mr. President, I am optimistic at this point. I think we have come a long way. We went through negotiations we did not think were possible. They have agreed to it. Heads of state stayed in Dayton 21 days, something we would have thought was absolutely impossible. They will sign this in Paris. It is their peace. All we do is help them implement it. It is their peace. If it breaks down, it is not our failure; it is their failure. I look forward to the continued debate tomorrow morning.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska.

Mr. STEVENS. Mr. President, I am one of the cosponsors of the Hutchison-Inhofe resolution. It is a brief measure. It makes clear the views of this Senator and, I hope, the majority of this body in opposition to the actions and the decision by the President concerning Bosnia.

In clear and unambiguous language, our resolution presents absolute support for the men and women of the Armed Forces who are being deployed under the President's order related to Bosnia. They are and will do their duty, and they have earned and deserve our country's unqualified support to meet their needs.

We also have to support their families while they are away, and no matter what we do or say regarding Bosnia, it is the duty of this Congress to provide for the security and welfare of the families of these men and women in the defense forces.

Now, virtually every Member of this body, I think, has spoken at least once on this tragic situation in Bosnia. What the Senate is doing now is to focus on the challenges and the threats involved in this Dayton plan for the United States and to determine whether we should, for the first time, mire ground forces in this centuries-long conflict in the Balkans.

I have listened with interest to my friend from Ohio. There is no one for whom I have greater respect and fondness. I find that we have come away from the Balkans—we traveled the Balkans together—we have come away with diametrically opposed views.

I was interested in particular when he mentioned that Bosnia and Herzegovina is 20,000 square miles. Mr. President, my State is 586,000 square miles and we are one-fifth the size of the United States. In other words, I think we should focus on the size of the area involved in this conflict.

More than 2 years ago, I spoke to the Senate on the nature of the conflict in Bosnia, and I paid particular attention at that time to the remarks of General MacKenzie, who was a Canadian and the commander of the U.N. forces that were then struggling to end the fighting.

In an interview about that time, when he was asked what he thought about the calls from some in the Congress to take military intervention, or at least send a strong military backup to the Bosnia area, this is what he said, quoting Gen. Louis MacKenzie:

Well, what I have to say is that if you're going to jump from chapter to chapter 7 of the U.N. charter and move from peacekeeping to force, then you better get the peacekeeping force out first.

Mind you, Mr. President, you better get the peacekeeping force out of there.

Otherwise, you got 1,500 to 1,600 hostages sitting there 200 kilometers from the nearest secure border. You can't combine these two.

And if you're going to get involved in the Balkans, then we better read a bit of history, because we're talking about an area that gobbled up 30 divisions during the last war. Unsuccessfully, by the way, in keeping the peace in Yugoslavia. Unsuccessful in tracking down Tito and finding him in Macedonia. So you're talking about a very, very major undertaking.

Not only that; when they leave, with the amount of hate that's been generated on both sides, it's going to break out and start all over again unless you come to some sort of political constitutional solution for that country.

Mr. President, there is no constitutional solution in Bosnia. There is no peace, really, in Bosnia.

It is discouraging that, after the 2 years that this has gone on, and the incalculable suffering by the people of Bosnia, the President has finally acted. And in my view he has made the wrong decision.

Two years ago, following a mission in Bosnia with a delegation of Senators to the NATO south headquarters and the Bosnia region and Croatia, I came to the conclusion that only a military balance in the region would bring a permanent end to the fighting. This administration consistently opposed that strategy, long advocated by the majority leader, Senator DOLE. Now, administration officials define a military balance as a key component of our exit strategy from Bosnia. How is it that aiding the legal Government of Bosnia to defend itself was wrong for so long, and now defines success for this deployment?

American soldiers, air crews, marines, and sailors will now be placed in harm's way because this administration failed to do what so many of us urged—permit the legal Government of Bosnia—permit the people of Bosnia—to defend their country, and their lives. The question now is whether we will approve putting the men and women of our Armed Forces at risk, to recover from the mistakes and errors of the past 3 years.

In October, Senator INOUE and I led a bipartisan delegation to review the NATO peace enforcement plan, and evaluate the situation on the ground in Croatia and Sarajevo. Let me state now that our discussions with military leaders at the United States European

Command headquarters in Stuttgart made clear that our troops have been well-trained and well-prepared for what they may face in Bosnia. While I do not agree with the President's decision, I applaud the leadership exercised by General Shalikashvili, Admiral Smith, General Crouch, and General Hawley—they have done everything in their power to prepare our troops to protect their own lives.

We may face casualties in Bosnia—every military commander we met addressed the risks there. But we were assured that those casualties will not be the result of indifference or failures by the Department of Defense to do its job to make the force ready. This is a superb force that the President has ordered to Bosnia, will bring credit to the military, and to our Nation, regardless of the challenges of the Balkans, of that I am sure.

But, if the situation in Bosnia was unique, a compelling case for United States intervention might be made. Sadly, the killing, the suffering, and the devastation in Bosnia represents only one chapter in the growing record of civil strife around the world. Even more troubling is that Bosnia may be only a warning bell for severe disruption and conflict in other former Communist nations, including the former Soviet Union itself. We must not forget the fact that we are watching the disintegration of Yugoslavia.

In Africa, Central Asia, and the Far East, we have witnessed, without deploying United States troops, slaughters and tyranny in Ethiopia, Uganda, Sudan, Mozambique, and Angola. Where we did intervene, in Rwanda and Somalia, our efforts resulted in only a temporary lull in the killing, or in the end, completely failed, as when we tried to mix humanitarian aid with nation building in Somalia. In Asia, we turned away from any responsibility despite the terror in Sri Lanka, in Burma, and the decade of killing in Cambodia. In Cambodia, peace was accomplished when the parties were tired of fighting, and the United Nations provided a framework for reconstruction, led by Japan and Australia—key regional powers.

The former Soviet Union and associated states present an entirely separate category of potential future conflicts. Already, we have witnessed fighting in Georgia, Azerbaijan, Tajikistan, Armenia, and Chechnya. We in Alaska watch closely developments in Siberia, and I predict to the Senate that we will see unrest and perhaps the fragmentation of that corner of the former Soviet Empire before the end of this decade.

Many of these nations are artificial. We should remember that. Within the former Soviet Union, within the former Warsaw Pact, and within the former Yugoslavia, these are not natural nation states. Today in many of the

states long simmering rivalries, feuds, and clan conflicts that were suppressed by brutal, authoritarian regimes continue to surface. People did not accept Communist dictatorships, they lived in fear of them. They chafed under that tyranny, under the control of entirely different nation, a nation that erased their traditional boundaries. And now they are acting on desires for self-determination to try to restore the past.

Bosnia is not the first nor will it be the last of such civil wars in former Communist nations. The precedent set by the President on how the United States will respond to these conflicts will haunt the United States for years to come.

I do not know how this administration reached a value judgment that a life in Bosnia is more significant than a life in Chechnya or Armenia. And I would ask, are the threats to Turkey from unrest along the Black Sea of less vital interest than the imagined threats to Greece from the unrest in the Balkans?

I really do not know how the President's equation works yet, Mr. President. What future commitments has the President made by this decision to dispatch forces to this region? Based on our discussions with U.S. military leaders in Europe and the hearing before the defense appropriations subcommittee, which I chaired, I found no basis for any claim that a broader war in Europe could emerge from this conflict. We have heard that again here today.

There is simply no likelihood that troops from this 20,000 square mile area will march on Greece, or that Croatia will march on Italy, as a result of this centuries-long hatred in the Balkans.

Any suggestions that this civil conflict will ignite world war III to me is farfetched and irresponsible. And I say this with no disrespect to Secretary Perry and General Shalikashvili. I told them of my conclusions following our trips to Bosnia, in private meetings and public hearings.

This deployment may be more about fulfilling the President's hasty commitment to NATO leaders. It may be one to assert a new dominating role for the United States in NATO affairs.

To me, it is not a deployment to prevent the spread of war to Southern Europe. I find it very interesting that in the past, many on the other side of the aisle scoffed at the domino theory when it was raised with regard to Europe, Southeast Asia, or the even the Middle East during the gulf war. It is remarkable now to hear that this civil war in 20,000 square miles of Bosnia may spill over and proliferate into conflict in Greece, Turkey, Hungary, Romania, or Albania. All have been mentioned here on the floor, Mr. President.

Procedurally, there is no basis in the NATO Treaty for this mission. The North Atlantic Treaty defines a defen-

sive relationship between the signatories focused on mutual defense. This action takes NATO in a new and uncharted direction. The President does so now under circumstances where the NATO alliance is described as so weak that America choosing not to participate in this mission could destroy that alliance. Those are not my words. That is what we were told at the NATO headquarters when we visited Brussels.

NATO officials told our delegation that defense spending cutbacks by some NATO members have so reduced their military forces that they simply cannot do more than provide token units to the NATO implementation force. NATO ministers presented us a stark choice in Bosnia. We were either to provide a military force for Europe or see NATO collapse.

I do not see why we should provide a military force for Europe because of the threat that NATO would collapse. I think that is one of the most remarkable statements I have heard.

Is it true that our allies that we joined together to defend against the monolithic Soviet Union are incapable of containing a small conflict in 20,000 square miles of Europe?

We are the world's only remaining superpower. The budget that I helped present to the Senate that the President approved for the Department of Defense is a good one, but it does not keep pace with inflation. And I say to the Senate that the bottom line is this Nation cannot provide for Europe's defense and Asia's defense and the Middle East's defense. The American taxpayers should not, cannot, and will not shoulder this burden alone. If NATO cannot do this without us, what is it that NATO can do now?

I have probably attended more NATO meetings than any Member of the Senate still here today, and I have been a firm supporter of NATO all along. But I was appalled to be told by leaders of NATO that if we did not participate in this mission, NATO would collapse.

Mr. President, I will vote for the Hutchison-Inhofe resolution, and I am proud to have worked with them and so many of my colleagues to bring this matter before the Senate. I hope to be able to support also the leader's resolution. I hope it will come before the Senate because I think we must not only make a clear commitment to our Armed Forces, which the leader's resolution will do, but I think we must have a resolution that will go to the President and that he must sign that defines not only our role vis-a-vis the Bosnian Moslems, but also the exit strategy that we should pursue.

I do not enjoy finding myself in opposition to any President. Our Constitution makes the President the Commander in Chief of our military forces, and he has the authority to command. He has the authority to deploy these forces. But the Constitution gives the

Congress responsibility also to provide for our common defense.

How can we provide for our common defense if Presidents continue to send our forces throughout the world for humanitarian and peacekeeping efforts to Haiti, to Somalia, or wherever it might be? I believe we are weakening our defense every time we use defense money for peacekeeping measures, and we will pay the price.

I only need to point out the number of ships we are able to build a year. Figure it out someday, Mr. President. We build about six or seven now, and they have about a 20-year average life. How can we possibly keep a 350- or 400-ship Navy with the current rate of procurement for Naval forces? Or look at the Air Force; it is coming down so rapidly. Or look at our tanks; it will not be long until we will have tanks to send people to war that were built by their grandfathers.

The defense budget is not, as the President said, an overloaded budget. It is an underfunded budget from the point of view of modernization, and that is really the problem we have here.

I do not believe the American people want our troops in Bosnia. I think they want a very good defense force. They want us to be able to keep our commitments abroad.

I do not believe a majority of the Congress should support the President's decision to send troops to Bosnia, and I regret the President did not consult the Congress, or consider our views—particularly the views of some of those who were sent to Bosnia to bring back a report to him.

This decision sets a very disturbing precedent for me, Mr. President. I do not think the debate will change the policy the President has embarked on. I hope that some of our allies are listening, and I hope more people question our becoming involved to save NATO rather than to defend our national interest. They are not synonymous any longer, Mr. President.

I believe that the debate should cause our allies in Europe to recognize that our commitment to NATO is not without limits and hinges upon Europe's willingness to act as a full partner in any military or political function.

My hope is that the debate will caution the President also—will caution him not to commit us further without closer consultation with the Congress and its leaders, and without the support of the American people.

It is my fervent hope that the debate will result in policies that will bring these troops home as soon as possible.

I can only say as I started, Mr. President, that I regret deeply the decision to send them there in the first place.

Mr. THOMPSON addressed the Chair. The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, thank you.



Mr. President, I rise in support of the Hutchison-Inhofe amendment in opposition to the President's decision to send troops to Bosnia.

I, like the Senator from Alaska, would like to be able to support the President in regard to this matter. I think the politics should end at the water's edge whenever possible. I regret that I am not able to do so. But after extensive hearings in the Foreign Relations Committee and others, and after carefully examining all of the arguments and all of the information that is available, I have concluded that there are several reasons for being opposed to the President's action.

I do not believe that they have made a convincing case that it is in our national interest to take this action. I think that policy rewards the aggression that has taken place over the last 4 years in that country. But I think probably the most definitive problem, as presented by the President's action, is that there is no indication—not only have they not carried the burden of proof, in my opinion, but there is simply no indication—that this action will meet with any success. I think the first thing we have to do with regard to that point is define success.

It was pointed out a little earlier this evening that we would be successful even if hostilities broke out before the 12-month period and we left. I respectfully disagree with that assertion. Once you think about it, it is certainly not that simple. If we were there for 2 months, 3 months, or 4 months and hostilities broke out, and we simply took the position that, well, we tried and the people who we are here to help do not want to be helped so we will leave, we would be accused of cutting and running as we have been accused of before. That would be disastrous, Mr. President, for the United States of America.

If, on the other hand, hostilities broke out, we were involved in hostilities before the expiration of the 12-month period, and we stayed, and we were in the middle of those hostilities and engaged in those hostilities, we would be in danger of being in a quagmire, and Vietnam would be talked about a whole lot more than it has been here tonight. So it is not a simple proposition. If this breaks down before the 12-month period, it is not a simple proposition for us to just turn around and leave. It would be a very big black mark as far as the credibility of the United States of America is concerned.

I tend to believe that with the forces that we are putting in there and with the forces that NATO and other countries are putting in there, we can probably keep the lid on it for 12 months. I think there is a much greater likelihood that the day we leave hostilities will resume. They say, well, again, we have tried our best. We will come out all right if that is the case.

I respectfully disagree with that argument. That is not a definition of success either. We will have expended lives, Mr. President. They talk about the estimate of 6 million mines being scattered around in terrain like most of us have never experienced. Our colleagues come back and say you cannot even get a truck, much less a tank, in most of these places. The terrain is vertical. It is not horizontal. We would expend, some people say, upward of \$5 to \$6 billion, not counting what some people believe will be an extensive foreign aid package as we leave.

Now, I think we would have spent something that is equally important, certainly more important than the money part, and that is our credibility. It would have been in vain. We would have paid a price. We would have had another failed mission, Mr. President, at a time when the U.S. military does not need another failed mission because of the leadership that has been provided to them.

So with that definition of success, what is the likelihood of success? I think that if you look to the past or you look to the present or you look to the future, there is very little, if any, likelihood of success. These people have been warring with each other for hundreds of years. We have had 34 cease-fires before this one. No one has made a credible case yet that they are not just taking another pause in the hostilities to reinforce themselves during the time of a bitter winter when they could not do much anyway.

Also, apparently, none of the parties engaged in this process believe that the other side wants peace. We can never create a peace, Mr. President, until the parties themselves want peace, regardless of the actions that we take. Historically, they have not wanted peace for a long time. With the mass murders that have taken place just within the last few months, apparently, over there and the continued atrocities and ethnic cleansing that continue to go on, those feelings are not going to subside overnight, regardless of what has been put on a piece of paper in Dayton, OH. They are still there. They are going to linger there. Evidently the Croats and the Bosnians did not think that the Serbs wanted peace. They would not even sit down to the table unless the United States was there. Evidently we do not think the Serbs want peace because one of the conditions that is being talked about so much is that we must equalize the forces. We would not need to be so concerned about that if we did not think the Serbs still had aggressive tendencies and would exercise those tendencies the moment that we left.

What about present circumstances? Are there any indications of success from this policy under present circumstances? You can just look and see what has happened since Dayton and

come to the conclusion the answer is no to that particular question. We have the leaders over here, some of whom probably are trying desperately to keep from being branded war criminals, making policies and putting things in an extensive document that their very people back in Sarajevo and other places in the area are denouncing and saying they will never live under—certainly not encouraging conditions.

We are debating whether or not we are nation building, and everyone seems to agree that we certainly do not want to get into nation building. I would suggest it is more than that. It is apparently nation creating. Apparently the document calls for the creation of a new nation, basically divided in half, populated by three ethnic groups which have been warring with each other for centuries.

What is the likelihood that we can go in there and create that kind of new government—or not create it. In all fairness, I must say, it is not our job to create it, but it is our job to monitor and enforce the agreement, whatever that means. Monitor and enforce the agreement. As I understand it, one of the goals is to build down, as they say, the arms on one side of this conflict and build up the arms on the other; presumably those folks who are losing the arms are going to sit back and allow that to happen. Apparently we are to monitor and enforce the understanding with regard to the refugees. As we know, some of these areas and some of these very homes have changed hands. We are going to have people in one group being pushed out by people of another group, going to courts that are being run totally by one group.

That is not going to be a very satisfactory resolution to the people who are kicked out. And then we are supposed to leave a balance of power. If there has ever been an indication where the United States or another country has gone into another area and figured this out from a piece of paper, got the top help involved and figured out how to create and enforce and leave a balance of power, I would like to know what it is.

Nobody seems to ask the other question, too: What does a balance of power do? Does that cause people to lay down those arms? Does it cause them to say we cannot fight now because we have a balance of power? I would not think so.

Some points that really must cause one to think have been made because we are told that this is significant as far as supporting the President's concern but also supporting NATO. I think the Senator from Alaska makes a very good point when he raises the question whether or not this is something that is in our national interest or is it something that is in NATO's interest and we have an interest in NATO, and therefore it is in our national interest.

If that is the logic, it is very questionable. For some time now NATO has

acted as if this particular conflict and the resolution of it was not even in the national interest of the countries involved, much less NATO. For some time now they have resisted our attempts to lift the arms embargo, to try to reach some kind of resolution along the lines, as I read it, of what the Dayton accord seeks to do with regard to the arms portion of the agreement.

I think it is important that we have a strong NATO. I think it is important that we cooperate with NATO. But I think it is also important that NATO cooperate with us. And they failed to cooperate with us. The Secretary of State went around to the NATO countries hat in hand and asked for support and help to get this policy through that the U.S. Congress, I believe, was very firmly in support of, the President said he was in support of, and I think the American people were in support of. They turned a deaf ear to us.

Now they have taken the position where apparently they have not seen their own national interest and vital interest of these countries very directly involved and convinced us in one fell swoop that it is in our national interest to send ground troops over there. Not that we do not have any interest at all, but is our national interest sufficient for us to send ground troops? I think probably what this conflict did was catch us in mid-redefinition of the role of NATO and our role in NATO. We have built down from over 300,000 troops in the NATO countries to around 100,000 or so now. Obviously, we see a different situation now that the cold war is over. We do not have that big threat of aggression to the NATO countries from the one superpower. It is a different world that we live in, no less dangerous world but a different world that we live in.

And the question here is a new one for us. That is, what happens, first, when you are engaging in not an aggression situation but a so-called peacekeeping situation and, second, it does not involve a NATO country? It does not involve a NATO country.

I certainly believe a case can be made that we can become involved and we could supply logistics, intelligence, and other areas that we obviously have capabilities that some of these other countries do not have, without supplying ground troops.

Should we be the one to initially step forward with a commitment to supply ground troops simply because we want to have some involvement or support in NATO? I do not think so.

So it is too late now with regard to this particular venture. But I think we are going to have to step back and re-define our role there because we cannot afford to let NATO pull us into any kind of conflict over there in another part of the world, that if they had done the right thing in this particular instance we would probably be in much better shape than we are in right now.

Another argument that has been made, that is pause for concern to those of us who are opposed to the President's policy here, is the charge of isolationism. And the charge is made that those who do not support the President are isolationists and do not see our country's interests go past our own borders. That is not the case. That is not the case at all.

I certainly believe that we must exercise a strong role. One of the things that can be said positively about what the President has done is that he has taken a strong stand. Unfortunately, I think that it is an incorrect stand. But I kind of admire the fact that he has taken a strong stand.

If we had taken a strong stand somewhat earlier in this country with regard to this particular area, and others I might add, we would be in a whole lot better shape. We would have a whole lot more credibility, and so would NATO right now.

So I think many of us see that we have to exercise a leadership role. We do live in one world. We say that we do not want CNN running our Nation's policy, and it should not. But CNN is there. It has arrived. When we watch atrocities in parts of the world, it affects us. It does not mean that we have to be involved in each and every one, but it affects us as a Nation. And when we see in an area where we can take some action, such as lifting an arms embargo, for example, and we sit back year after year and do nothing, I do not think that helps us. I do not think that helps the United States of America and what we are supposed to stand for and what we are as a people. It does not do us any good, I do not think.

So all of that is true. But I feel like the policy here at hand is not only misguided, but will wind up fueling the very isolationist tendencies that the supporters of this policy decry. Because if, in fact, it is isolationism that got us here, because we did not have the strong effort by NATO—and we as a country perhaps made some mistakes in not having a firmer hand in many different respects with regard to this part of the world some time ago.

But now if, as all indications would point toward, this turns out to be a failed policy, if hostilities resume, if we have to leave prematurely or hostilities resume after we have left, having spent billions of dollars and many lives of our young people, that is going to cause people to be very, very reluctant, much more reluctant than otherwise to get into the next conflict where we might have some national interest.

So we must husband our resources with a certain amount of wisdom, discretion. And the President should not come to the U.S. Congress and say that this is a fait accompli, and you should not look to the underlying policy. That is what we are faced with here.

The role of Congress has been rendered essentially a nullity. As far as

these resolutions are concerned, I feel like it is important that we express ourselves. But I think it is even more important for this reason. If we express ourselves here and the President knows that we do not take to the idea that we are not entitled to look at the underlying policy, if he knows that underlying policy will be debated—any President—and will have to see the light of day and the details will be examined and will not be rubberstamped, even if the troops are on the way, then perhaps it will change some Presidential actions in the future because those things are going to continue to occur throughout the rest of our history, I would assume. It is a much more dangerous world in many respects that we live in today than ever before.

So we have been presented somewhat with two bad alternatives. One is to support a bad policy; and the other is to do something which the administration would urge might somehow undermine the effort. And none of us want to do that. And I do not like that policy. I mean I do not like that choice, that Hobson's choice.

But on balance, I think it is much worse to establish a precedent that if a President can quietly enough and rapidly enough make commitments and come to the U.S. Congress and say it is a fait accompli, the Congress does not have the right or the obligation to look into the underlying action, that is a bad policy and I do not think we should subscribe to it, and therefore, I will support the resolution. I thank the Chair.

Mr. GORTON addressed the Chair. The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, from the beginning of the present Bosnian conflict during the Presidency of George Bush, I have opposed an immediate American participation in it in any fashion that would risk the lives of young American men and women.

From the beginning of that conflict, during the Presidency of George Bush, I have favored the lifting of the arms embargo against the Bosnian victims of Serbian aggression, on the premise that it was not only unfair, but immoral to treat identically the aggressors and the victims of that aggression.

The Bosnians, it seemed to me, as it did to most Members of this body, deserved at least the right to fight for their own freedom—a right which they have effectively been denied.

Everything in history and logic and our intuitions told us to oppose the kind of action in which the President is engaged in at the present time. Even the peace treaty we are there in part to enforce is an unjust treaty which leaves the aggressors in possession of most of the areas which they conquered and in which they engaged in some of the most horrible war crimes in recent history.



In 1993, some 2 years ago, President Clinton made what appeared to be a casual remark to our Europe allies. He promised that American Armed Forces, specifically ground troops, would participate in a Bosnian peacekeeping effort as and when such a peace were reached. I am convinced that then, as today, President Clinton did not understand the consequences of that promise, especially as it came as a promise from the leader of the free world.

Mr. Clinton's proclivity to tell people whatever they want to hear at the time in which they want to hear it is well documented here in the United States. But what the American people will perceive simply to be a flaw in the President's character in the rest of the world could precipitate a catastrophe in our foreign policy.

And so, Mr. President, as we meet here this evening, after the President's commitment, not only in abstract terms in 1993, but in concrete terms just a few weeks ago, the question is no longer whether or not we as individual Members of the Senate agreed with that promise or supported the President's policies.

Charles Krauthammer wrote in the Washington Post last Friday:

It does not matter that we should not have gone into Bosnia in the first place. It now matters only that we succeed.

Regrettably, I find that to be the absolute and incontrovertible truth. Let us not fool ourselves that this is an easy task. We are going into Bosnia to create or perhaps to preserve in part a pause in fighting between bitter, 600-year-old enemies. Success will not be easy. But now that we are there, now that we are the leaders of the NATO forces in Bosnia, it is absolutely essential for the future of this country, as well as for the future of NATO, that we succeed. As a consequence, our first task is to define success.

Are we going to build a parliamentary democracy in Bosnia?

Of course not. Are we going to reconcile six-centuries-old enmities after hundreds of thousands of people have been killed and millions displaced in a 1-year period? Of course not.

Then, Mr. President, what is the definition of "success," assuming that the President keeps his commitment to withdraw our troops at the end of a 1-year period? The only possible definition of success, it seems to me, is that when we leave, the Bosnians are able to defend themselves against further aggression; that a peace, not arising out of reconciliation, can at least arise out of a balance of power and a feeling that the acts of the last 5 years cannot be repeated.

It is exactly at that definition of success that the resolution proposed by our distinguished majority leader, ROBERT DOLE, is aimed. The vague and uncertain promises that the Bosnians be equipped in such a way that they can

defend themselves in the agreements in Dayton are sharpened and strengthened in this resolution by the insistence that we assure that these people, these victims, be able successfully to defend themselves at the end of a 1-year period.

If that is the case, Mr. President, and only if that is the case, will we and our NATO allies be able to leave Bosnia without an automatic renewal of the civil war. And only if we are able to leave without that automatic renewal taking place, can either we or NATO claim to have been successful.

The North Atlantic Treaty Organization has been the centerpiece of the foreign policy of the United States since 1948. It has been and it remains vital to the peace not only of Europe but to the rest of the world that NATO continue and that it be credible. As a consequence, even though NATO may have, as I believe it has done, made an erroneous and unwise commitment, and even though the President of the United States may have done and has done, in my view, an unwise thing in entering into this commitment, we now must honor it. We must honor it in a way that protects, to the best of our ability to do so, the security of our troops on the ground during the time that they are there and gives some reasonable degree of assurance that the war will not recommence immediately upon our leaving.

Mr. President, every one of us in this body knows that the Congress of the United States will not and cannot exercise the only full authority it has, and that is to cut off any funding for this Bosnian venture. A Presidential veto on the assumption that there might be a majority in both Houses for cutting off that funding would not be overridden. The President has committed our troops to Bosnia. He is going to carry out that commitment, whatever the oratory on this floor, whatever the resolution that passes this body. We, therefore, if we are to be wiser than the President has been, must try to see to it that the troops who are there are there under the best possible circumstances, as undesirable as those circumstances may be. We must try to see to it that they are there for the shortest period of time possible, and that when they leave, the world can say that their intervention has been a success.

Mr. President, I believe that the distinguished majority leader and those who have worked with him on his resolution have charted the only possible course of action that can meet those goals.

We, as Americans, can have only one President at a time. All Presidents are fallible and, I must say, I think this President is particularly fallible. As a Member of this Senate, I supported President Reagan when he ordered air raids on Libya. I supported President

Reagan when he liberated Grenada. And I supported President Bush when he proposed, ultimately successfully, to liberate Kuwait. I must say that none of those decisions was nearly as difficult as this one is, because in each case, I believed that the President was doing the right thing. But in a certain measure, even then that support was granted because the President, who was in charge, was our Commander in Chief and deserved every benefit of the doubt.

I do not believe we can appropriately grant that benefit only to a President of our own party or a President with whom we agree. As a consequence, as reluctant as this assent is, I believe we must assent to what the President has done, at least to the extent of strongly supporting our troops who are faced with an extraordinarily difficult challenge, giving them the greatest possible opportunity to carry out their mission successfully from the perspective of defending their own lives and security and successfully from the perspective of defending their own lines and security and successfully from the perspective of leaving Bosnia at least not as terrible a place as they found it. The only way I have discovered at this point to do that, Mr. President, is to support the initiative of our distinguished majority leader.

Our constituents—all of our constituents—are frustrated by this venture. It has not been appropriately defended by the President. His casual promise of 2 years ago should never have been made. But each of these is a bell we cannot unring and, at this point, we must look forward and do the best we can for our troops, our country, and our alliance. That, I am convinced, we will do by supporting Senator DOLE's resolution.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I rise in support of the Hutchison resolution in opposition—strong opposition—to sending American forces into Bosnia. I was quite interested in the remarks of my friend from the State of Washington. In listening to his remarks—and I know other Senators on the floor, Senator BROWN, served with me in Vietnam—I could not help but think of terms like "Vietnamization." I remember the charts, the McNamara charts and the pointers, how, if we would just supply a little help, we could be there a little while and the South Vietnamese would soon be able to take over the war and fight their own battles; if we could just secure the peace, everything would be all right.

Mr. President, 58,000-plus lives later, we gave it back to the North Vietnamese.

I remember then, very much so, as a young man of draft age volunteering in the Navy to serve, I remember then

Presidents making commitments. And although this is not Vietnam *per se*, the parallels are very similar because, as the President must know, and as all of us participating in this debate know, and as the American people know full well, the majority of the American people do not support our involvement here. The difference is that we can stand here on the floor and debate this, and we know that, regardless of what we say here or what we debate here, the President is going to—indeed has already begun—proceed to send troops to Bosnia. So perhaps we are wasting our time.

I think it is important that people understand that, yes, we are debating it and, yes, the President made this commitment 2 years ago. But there is somebody's son and there is somebody's daughter that, probably prior to Christmas, is going to be off somewhere in this far-off land without the full support of the American people for having them go there. They will have the support of the American people and this Senator's support when they get there, but that does not mean we have to endorse the policy of sending them there.

I do not take participation in this debate lightly. There have been three or four major issues that I have been involved in since I have been in the Senate for some 5 years and in the House 6 years before that. One was the Persian Gulf war. It is not easy when you stand here, knowing the vote you make may cost American lives. It troubles me very much to take the floor of the U.S. Senate in opposition to any President, including President Clinton.

I served in the Vietnam war under President Johnson. I disapproved of President Johnson's policies. I did not think he conducted the war properly. But I was proud to serve in the military and do my duty. I never had a second thought about that, as most military people do not. But I cannot sit idly by and say nothing and watch our troops being sent into harm's way, Mr. President, without a coherent policy and without a compelling military mission. And there is no coherent policy and there is absolutely no compelling military mission.

These men and women are not trained to be 911 response teams. Police departments do that pretty well. These men and women are trained to fight for the national security of the United States. That is not why they are going there. So they are going to be put in harm's way, doing things they were not trained to do.

Over the past 3 years, many of us in this body have spoken out loudly and clearly on lifting the arms embargo, which has denied the Bosnia Moslems the ability to defend themselves. They have a right to do that. Bosnia is their country. Those of us who have advocated lifting the embargo believe that

because it is their country, the Moslems deserve the opportunity to defend it, to protect their families, their property, their culture, against a Serbian onslaught. Do you remember the safe havens? They were not very safe, but they were told they were safe. They were herded into them and executed by the Serbs.

If the President, President Clinton, had accepted this recommendation that many of us made, including the majority leader, here on the floor and exerted firm leadership, we would not be having this debate. We would not be sending troops to Bosnia. They would not be giving up Christmas with their families to go to this far-off land, to be put in harm's way. We would not be doing it. Why? Because the Moslems would have been able to defend themselves if we had just—we did have to arm them. All we had to do was step out of the way and let them be armed. But we did not do it. So I am not swayed emotionally or any other way by the fact that this President made some commitment 2 years ago to NATO allies. I am not swayed in the slightest, because if things go wrong, if it looks bad not to go, how bad is it going to look when we leave, after things get rough?

Are my colleagues here prepared to come down on the Senate floor if, in fact, something goes wrong—and I pray it does not—and when casualties occur? I remember that, too, in Vietnam, Mr. President, very clearly. I remember when there were 2 or 3 a week, and I remember when there were 350 a week coming home dead. The American people then lost interest in the war because they never supported it in the first place, and brave young men and women died because of that. That could happen this time, and I cannot believe that we are allowing it to happen again.

When will we ever learn from history? A year ago, it was widely reported that the President offered up to 25,000 American troops to help withdraw the U.N. protection forces from Bosnia. I joined many of my colleagues right here on this floor voicing serious reservations with that proposal. It is strangely ironic that 1 year later the President has committed roughly the same number of troops from the same service elements to enforce a peace agreement that, as of today, has not even been signed. Maybe it will be signed in the next day or so; maybe it will not. But we are already going to send troops, are we not? We already made the commitment. We hear people from all sides saying we are not going to support it. So we are going to put our American forces there in harm's way, without a peace treaty that we know will work.

Is that our responsibility? Why? Because CNN carries bloody footage every night from the war? There are other

places where blood is let every day, and we are not there—Ethiopia, Somalia. We were in Somalia, but we should not have been there either. There is at least the appearance that when Congress closed the front door on Bosnia deployment, the President decided to sneak around the back door to get the American troops involved. That is what he did. He made an incorrect decision.

The President has stated that our troops will only be deployed to Bosnia for a year. He has not articulated what the specific mission will be. He has not defined a concise timetable or sequence of milestones for achieving our military objectives. How can he possibly say that American forces will be there for a year? He does not know that. Sure, he can pull them out in a year, regardless. All sides know that. So if I were an adversary in Bosnia, I would do one of two things. One, I would absolutely harass American forces to try to create as many casualties as I could and get us out, or I would sit back and do nothing and wait for a year. And, in the meantime, during that year, how many landmines do American forces step on? How many people die in simple motor vehicle accidents, or airplane accidents, or other combat-related accidents, in the line of duty?

This is not a safe venture. When you deploy 20,000 troops anywhere in one big operation like this, it is a high-risk operation. I am not sure the President of the United States, to be very blunt about it, who never served in the military, and specifically avoided serving in the military, understands that, to be candid about it. The only argument I hear coming from the White House spin doctors in support of the President's policy is the assertion that President Clinton has made a commitment to our allies, and if Congress were to reject this commitment, it is going to destroy our credibility and destroy our reputation in the international community. That is no consolation, is it, to the mothers and fathers, brothers, sisters and kids of the American personnel that are being sent to Bosnia? Frankly, I think it is a disgrace.

I hope the President will think, as I am going to think, before I vote tomorrow on this. If I have to make that phone call—and I pray to God nobody ever has to make it—or I have to look a mother, or a father, or a brother, or another loved one in the eye, I have to be able to say to that person: Your son, your daughter, your brother, your sister, whatever, died for a good reason.

There was a good reason for us to be there. Can we really say that? I sure cannot. I could not say it. I cannot look that parent or sibling in the eye and say, "Your son or daughter died for a good cause, a good reason, died bravely, yes, died courageously, yes, or was injured in the line of duty, courageous, absolutely."



Know why? Some feel sympathy. Some who have never served in the military do not understand. They feel sympathy toward those people who go. They do not want your sympathy. They go where they are asked. They are the bravest, best, most ready military force in the world, and they do their duty. They do it better than anyone else in the world. That is why we stopped Nazi Germany in World War II.

They do it because it is their duty to do it. It does not mean we should ask them to do it. That is a different story.

The American forces, the Armed Forces, again, are not to be subcontracted out all over the world whenever some crisis erupts. They are the guardians of our security, our liberty, our national security. We ought not to allow them to be needlessly or recklessly endangered, even if the President has boxed himself in a corner.

What is the President supposed to say to Mrs. So-and-so when she loses her son? "I got boxed in a corner, Mrs. Jones. I am very sorry. I made a commitment. I should not have made it, but I sent your loved one anyway, to be killed. I am sorry." That is not good enough, folks. That is not good enough. That is not good enough.

Bosnian peacekeeping is not an appropriate role for the Armed Forces of the United States. It is not what they are trained to do. It is not what they are trained to do.

Now, the administration has also suggested that those of us who do not support turning the American military into a Bosnian police force are somehow isolationists. I resent that charge very much. The issue here is not whether our Armed Forces should be called upon when necessary to defend our interests abroad; rather, the issue is, when, where, and under what circumstances is it appropriate to deploy U.S. military personnel in and out of area operations? That is what the military is all about. It is troubling to me that even after 3 years of on-the-job training the President still—still—does not understand the proper role of our Armed Forces.

I just left a meeting 15 or 20 minutes before I came here to the floor. We were talking about the Defense budget. We were talking back and forth, back and forth among Members of both sides of the aisle. A couple of comments were made. Well, we do not think the President will sign this bill. The President is not going to sign, we are hearing, he is not going to sign the Defense authorization bill which provides the support, increases the pay, by the way, of our military, the people that he is asking to go to Bosnia. He is not going to sign a bill to give them a pay raise. That is what is being threatened, hung over our head every day. But he made a commitment to somebody in NATO without the consent of Congress, without consulting the American people.

Without consulting anybody, he made that commitment.

I think he has a commitment to those he is sending that he ought to support. If he vetoes a Defense bill, he is not supporting them. Anybody that says he did not like everything in it, let me tell you, what is in it is the funding for those people that he is sending.

So when we debated here—I do not want anybody to accuse me or anyone else who takes the other side that we are isolationists. I was not an isolationist when I served in Vietnam, and I was not an isolationist when I supported every Defense budget to support our American troops since I have been in the Congress, and when I supported pay raises when he would not support pay raises for members of the military.

We have no military or economic interests—none—in Bosnia. The American people overwhelmingly oppose this policy. They oppose the commitment of 20,000 ground troops. Everybody knows that. Look at any poll. That is the issue. The White House spin does not cut it. Public relations gimmickry does not cut it. It does not work. Nothing is going to change them. Let me briefly, for the benefit of my colleagues, highlight what I see to be the critical unanswered questions associated with the President's Bosnia policy.

First, what is our exact mission in Bosnia? What are we supposed to do? Are we there to make peace? I ask everyone to listen, are we there to make peace, keep peace, enforce peace, or monitor peace? Which is it? Are we neutral? Are we evenhanded, or are we realigned with the Bosnian Moslems? Which is it: Keep peace, enforce peace, monitor peace, make peace? Are we neutral, are we even handed, or aligning with the Moslems? Does anyone know the answer to that question? No one knows the answer to that question.

What is the difference between making peace, keeping peace, enforcing peace, or monitoring peace? No one knows the answer to that question. The President does not know the answer to that question. It has never been clearly delineated.

Second, why are we deploying for 1 year? Where did that come from? One year—we just pick these guys up, 9-1-1 force, send them over there for 1 year. Why not 10 months? How about a year and a half? Fourteen years, 14 days, 2 years, 11 years—where did 1 year come from?

Can you imagine if Franklin Roosevelt had said after Pearl Harbor, "We will take your boys and send them out for 1 year. If we win the war, we will come back in 1 year. If we lose the war, we will come back in 1 year."

This is not Franklin Roosevelt in the White House right now. He does not understand, you cannot make a commitment like that. You do not tell your

enemies what you are going to do ahead of time. If we do not know exactly what the mission is, how do we know how long it will take to complete it? What sequence of milestones have we established to determine our progress?

What happens if after this year, this little arbitrary year goes by, what happens if we have not achieved our objectives—we do not know what the objectives are, but assume we have not achieved them whatever they might be—what do we do then? Pull the plug? Leave and concede that the whole operation was a waste?

How about that phone call? "Mrs. Jones, we stayed there a year, we took some casualties. Unfortunately, your son was one. We did not get it done. Unfortunately, they still want to fight, so we are leaving." Maybe Mrs. Jones should know that now—not tomorrow, not after her son is injured or killed—today. Maybe Private Jones ought to know that now, too.

Are the antagonists not likely to wait us out and launch hostilities as soon as we leave? Is it all for nothing if we have not achieved our goal in a year? Mr. President, 1,000 years these people have been fighting over there, and we will decide it all in a year. We will take care of it all in 1 year. We will come home in 1 year, and that will be it. All that fighting will end, all that 1,000 years, century after century, we will take care of it in a year. Very ambitious.

Maybe the President reneges on his 1-year commitment and he decides to keep the troops there a little longer. How long is a little longer—14 years? How many years were we in Vietnam? The Senator in the chair knows we went there in 1961 to help the South Vietnamese get control of their government against the communist onslaught from the North, and 12 years later we left. And 2 years after that, the North Vietnamese tanks rolled back into South Vietnam.

We saw it in Somalia. If you do not like the Vietnamese example, you think that is too hard on the President, to look at. It is easy to get the troops in. It is a little tough to get them out, though.

The troops are deploying to this treacherous terrain in the middle of the winter, dead winter. There is no infrastructure to support tens of thousands of soldiers. Towns that are being vacated by the Serbs under the peace agreement, told they had to vacate, are being burned and sacked and ravaged. Shermanesque; burned. What are they going to be living in? Tents? Is there housing over there?

If they are not going to live in tents, and many of the houses are being burned, and we have thousands of refugees that the President says are going to come back home, with a shortage of housing, where are we going to quarter

our troops? Did anybody think about that?

How are we going to transport the heavy equipment in and around Bosnia with very few roads that are in shape to be able to pass on? Are we going to have to build those roads and build those bridges? While we are building roads and building bridges, who is going to be protecting the folks that are doing the building of the roads and bridges?

The Senator from Tennessee a short while ago talked about this. At what point do we get sucked into the role of nation building? Nation building? He even used the term, the Senator from Tennessee, Senator Thompson, said "nation creating." Arbitrarily, we take a map in Dayton, OH, and we say: "Here is a line here. Here is a line over here. If you are a Serb, you live on this side of the line. If you are a Moslem, you live over here. If you are a Croat, you live here. If three of you live in the same town, we will split the town up a little bit." That did not work in Berlin and it is not going to work here. It is not going to work here. So we are going to have to nation build. What happens when we leave?

What about the Russian brigade that will be serving alongside American forces? There is going to be a Russian brigade of soldiers serving alongside American forces. I can hear the President now. "That's great. We can work with the Russians." Whose side are the Russians on? Who have they been sympathetic to all these years? The Serbs. What have we been doing to the Serbs for the past few months under this President's policy? Bombing the blazes out of them. Are the Russians going to sit back and allow the Moslems the opportunity to achieve military parity? Are they going to let that happen with their clients, the Serbs? I don't think so.

And what happens—I am asking a lot of interrogatories here, but there are a lot of lives at stake, and we ought to ask these interrogatories. If we had asked them in the Vietnam war, we would not have lost 58,000 people.

What if the Russians do not view us as being evenhanded, and they take action to enhance, to boost the Serbs? What happens then? What happens when the Russians and the Americans have a flareup over who is supporting whom? What happens then? How do we increase the military capability of the Moslems without involving or jeopardizing the security of American ground forces?

I remember this debate a couple of years ago. We were talking about it during the Bush administration. We were talking about it during the Clinton administration. The words "ground forces in Bosnia" was like raking your fingers across a blackboard. It just sickened you to think of. You could just feel how much it hurt just to

think about it. I never believed that we would get to this point. Yet here we are.

Even if the U.S. forces are not actually delivering the weapons, and even if they are not training the Moslems, how do we avoid being linked to the Moslems? The Serbs know we are linked to the Moslems. They know that. So, ironically, you have a situation where it could be beneficial to the Moslems to instigate some attack and blame it on the Serbs. Or vice versa. It could happen. What do we do then? Is this Lebanon all over again? Do you remember Lebanon?

(Mr. BROWN assumed the chair.)

Mr. SMITH. Another question. What about the thousands—and I mean thousands—of Iranian fundamentalists who are already in the region supporting the Bosnian Moslems? They are not exactly our best friends, Iranian fundamentalists. How do we defend against terrorism or sabotage from these professed anti-American forces?

Do you see what we have put our American troops into? Is that what they are trained to do? Is that why they went to Ranger school? Is that why they joined the Marines and became pilots and learned to fight for the security of their country? Is that what they did it for? Is that what they were trained to do?

Since I have had a lot of "what abouts" here, what about the Croats? How do they fit into this mix, a very fragile mix? How will they view the buildup of Moslem military capabilities? Are they going to be supportive? Or are they going to be threatened? Will they be emboldened to reignite hostilities against the Serbs, knowing that U.S. troops are in their corner either directly or indirectly? Who knows?

Let me go to the final question. What about the cost, not only in American lives or the possibility of lost American lives—and one life, one, is too many; one life. We have already spent billions on military operations in and around the Adriatic. Navy steaming hours, rescue operations, no-fly-zone enforcement, offensive military operations, and now the preliminary ground deployments have been enormously expensive. This has been taxing the military over and over again. Mr. President, 911 in Somalia, 911 in Haiti, 911 in Cuba, 911 now in Bosnia. You think those dollars do not come from somewhere? You think they do not come out of training? Or housing? Or something? Some military equipment? Flying hours? You bet they do.

What does this President want to do? Cut the defense budget. Do not give them the \$7 billion; we do not need it. Cut it. Do not sign the defense bill. Threaten us. We have been threatened for the last 3 months by administration personnel here, and I know because I am on the Armed Services Committee

and I have been involved in those threats. "We are not going to sign it if you do not do this or you do not do that."

The administration estimates the 1-year cost in dollars will be an additional \$2 billion. How are we going to pay for this? What other programs will become the bill payer? How is readiness being affected? How will this deployment affect our ability to fight and win two major regional contingencies, as called for in the Bottom-Up Review conducted by this President? That means two major contingencies. It means, for example, if war broke out in the Persian Gulf and war broke out in Korea, just to use an example, that is two different regions of the world. We are supposed to be able to go right out there and take care of ourselves and protect our interests in both of those regions, while we are cutting the military, while we are cutting readiness, and cutting operation and man-hours. And if the President does not sign the authorization bill, even giving these kids a pay raise to go risk their lives in Bosnia—we are not talking about a big raise either. The American people need to understand that some of the kids who are going to Bosnia are probably on food stamps because they do not make enough money, so they are eligible for food stamps. It is food for thought, Mr. President, before you send them over there.

I just listed a few dozen of the unanswered questions surrounding this debate, and we will not get the answers before we send our troops over there because they are already being sent there. We are supposed to rubber stamp it. Without substantive answers to these questions, it is irresponsible for the Clinton administration to be committing—let alone actually acting to deploy—thousands of United States troops in Bosnia.

If you think of the Somalia situation, when we lost a group of Army Rangers because we did not even have basic equipment because we did not have access to it, we had to ask for it from one of our allies. That was a small operation—a small operation. This is a big operation with thousands of American troops in harm's way without having basic questions answered.

Do you think that President Roosevelt would have sent troops in World War II or President Truman would have sent troops to Korea without having these questions answered? Of course not. Of course not. President Bush in the Persian Gulf had the questions answered before he went. He knew what the mission was. That mission was very simple: drive the Iraqis out of Kuwait. And he was criticized for not going into Baghdad and killing Saddam Hussein. That is easy to criticize after the fact, but that was not the mission. The mission was to drive them out of Kuwait, which is what they did.



Can somebody tell me what the mission is here? Again, peacekeeping, peacemaking? What is it?

I oppose as firmly, as adamantly, as strenuously, and as strongly as I can sending American soldiers on the ground into Bosnia. I do not believe the President has articulated a clearly defined mission. I do not believe he has articulated a rationale. And I believe as deeply in my heart as I can that it is a terrible, terrible mistake to send America's finest to police this region, to intercede and to take sides in a centuries-old conflict.

And if we get out of there and we do not take casualties and we accomplish it, God bless us. I hope that happens. But is it worth the risk? And the answer is, no, it is not, and the American people know it.

We are taking sides in this case. We are not going in there as strictly peacekeepers. We have already taken sides, just as we did in Somalia, and we paid for it when one of the warlords, Aided, attacked our troops, just as we did in Lebanon when we took casualties. In each case, we paid a terrible price—a terrible price.

When are we going to learn from the mistakes of the past? When are we going to learn from history?

I hate to say this, but I like to call it like it is. It is something that just makes it worse for me, and people are going to accuse me of taking a cheap shot. And I am not; I am just stating a fact.

This President, when he was called to go to Vietnam, went to Europe and protested the war. He now is ordering these people into combat—possible combat, possible harm's way—without a mission clearly defined and without the support of the American people. There is no small irony there, Mr. President.

If we authorize this misguided deployment, and I know we will, or, even worse, if we acquiesce in it, and I know we will, we are just as culpable for its consequences as the President who sent them there—just as culpable.

I ask my colleagues to think it over very carefully. Are you prepared to accept the responsibility for what may occur there? Are the potential costs worth it in dollars, in lives? What do we gain? If we are successful—and I think any reasonable person would say we might have a few years of peace, maybe, if we are lucky—we have a lot to lose, a whole lot to lose.

I have two teenaged sons. I can tell you I have weighed the pros and cons. They are not of military age yet, but they are not far away. No matter how I do the math, no matter how I do the math, each time I come up with one inescapable conclusion: We should not be sending America's finest to Bosnia. And I have to ask myself, would I want to send them there? If the answer to that question is "no"—and it is—then I

am not going to send anybody else's there with my vote.

Bosnia is not our home. It is a terrible tragedy. It is not our security in jeopardy. It is not our fight.

When I think of the blood that we shed for Europe over the years, what we did in literally liberating the continent of Europe, half of it, how could we be criticized for passing on this one, Mr. President? Does that make us isolationist? Give me a break. We cannot afford, nor do we have the moral authority, to be the world's policeman. The world's leader, yes; the world's policeman, no.

This is a European conflict. The Europeans themselves ought to resolve it, and they can resolve it. It has nothing to do with NATO—nothing at all to do with NATO. It is a phony issue. The NATO charter does not even mention Bosnia. They are not members of NATO. NATO talks about collective security, collective response when one of the nations of NATO are attacked. It has nothing to do with NATO.

Do not listen to that phony argument. It is not about isolationism. It is not about internationalism. It is about the proper role of the Armed Forces in international affairs. That is what it is about: the proper role of the Armed Forces in international affairs. It is about keeping faith with the men and women who so selflessly serve our Nation in uniform day in and day out, deployed all over the world. That is what this is about.

During this century, we spent hundreds of billions of dollars defending Europe against communism and against fascism. We sacrificed hundreds of thousands of American lives in Europe in World War I and World War II. Then, after we finished, we spent billions more under the Marshall Plan to rebuild it, and then we fought the cold war. We maintained a robust military presence in Europe throughout that cold war, and we equipped our NATO allies with sophisticated state-of-the-art aircraft and weaponry. And they can use it along with their forces to end this conflict, if they think they can end it.

We have done our part. We have done it. How can anybody accuse us of being isolationist because we do not support sending American forces into Bosnia after all we have done for Europe? We have earned the right—we have earned it—to sit this one out.

There is no reason that our allies cannot begin assuming a more direct role in European security, and certainly no reason they cannot handle the Bosnian peacekeeping mission on their own. It is another 20,000 of their troops. That is all. And, if not, if this operation requires the full combat power of the United States of America because somehow this threatens the security of Europe, then we are really talking about something much larger

than a peacekeeping mission, are we not?

My colleagues, please, consider this very carefully. The American people are watching. Lives hang in the balance. Perhaps the moral essence of America hangs in the balance, just like it did when we deserted our people in Vietnam while they died and we protested in the streets.

They are the ones who will be in harm's way. They are the ones who are going to be in the mud and the cold and the slush while we stand on the floor of the Senate debating. They are the ones who will be away from their families at Christmas, missing their kids—not us. They are the ones who will be vulnerable to millions of landmines all over that country, put out there by all sides of the conflict. They are going to be vulnerable to anti-American fundamentalists roving the countryside. They are the ones who are going to be subjected to bitter hatred of combatants who have seen their friends and families butchered before their eyes.

Peace and reconciliation in Bosnia is a lofty goal, and I give the President credit for wanting it, as we all want it. But is it something that American sons and daughters should die for? Is it? Because that is the question. There is no other question that we deal with in this debate that matters except that one when you make that vote.

Is it something that those men and women should die for, whether they do or not? And let us pray they do not, but the question is, is it something they should die for? And I submit with the greatest respect to the President, the Commander in Chief, and to my colleagues, the answer to that question is no, it is not.

Let me end on one final observation. I vigorously oppose this policy, as I have said. But irrespective of the outcome of this debate, I will do everything in my power to ensure the safety and security of our troops. Reasonable people can disagree on policy, as many of us do here today, but I will tell you one thing, if this President sends them there, which he is going to do, this Senator is not going to be silent if he hoists that veto pen and decides to veto the defense bill of the United States of America.

No, this Senator is not going to be silent. This Senator is going to speak up head to head with this President if he pulls that stunt. That is not going to happen without the American people being fully aware of what is going on. As Americans, we must support these men and women, whether we disagree with the policy of the President or not. If he sends them there, we have to support them. But we do not have to give him cover by saying he said he was going to send them there; therefore, let us vote and give him the cover. We need to make the President understand it is a mistake. Maybe he will change

his mind. This is the chance we have, the only chance we will have. We must support them and provide a unified base of support to ensure their safe and expeditious return home, not like when I was in Vietnam and read about the protests. They have earned it. They are the best.

That is the sad, bitter irony of this whole debate. These are the best, the best of America that are going into harm's way. These are not criminals. They are not people who are dregs of society somewhere, castoffs, failures. These are the best. These are the people who go to the military academies, and I nominate them every year, as do all of my colleagues. These are the best that we are sending into harm's way, and they will have my support if they go, but I will be doggone if I am going to cave in because somebody made a commitment 2 years ago that was wrong, that will put them in harm's way.

Mr. President, in closing, just let me say, I pray that God watches over our men and women in this policy that I bitterly oppose, and I hope that my colleagues will rise to the occasion and send a very strong message, and that message is sent here in this Hutchison resolution because it says very clearly that we oppose you going, we oppose sending troops, Mr. President, but we will support them if you send them.

That is a responsible action, and I hope that the President will heed the debate here and change his mind before it is too late.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank you very much.

I think it is very important on an issue of this magnitude that Members of the Senate take the time to outline why they have come to the conclusions they have. I serve as a member of the Armed Services Committee. We have had a number of hearings dealing with Bosnia. Like the Presiding Officer of the Senate who is currently in the chair, I have gone to Bosnia, to Sarajevo, and have seen the area.

At one of our recent Armed Services hearings, I referenced a Time magazine where it had on the front cover a photograph of a young soldier. There was a caption on the front of Time magazine, and the question was, "Is Bosnia Worth Dying For?"

So I referenced that and asked that question to the witnesses who were there who were advocating that they supported this decision. And they told me that we are beyond that question, that that is not the question today.

I do not believe that a lot of Americans, nor do I believe that a lot of American parents who have sons and daughters in the military, believe we are beyond that question. But in the discussion that took place at that

Armed Services hearing, we were told the two vital interests that do require us to send our American military personnel to Bosnia are, No. 1, United States leadership, and, No. 2, European stability. Those were the two vital interests. It was not the question of whether Bosnia is worth dying for.

With regard to leadership, approximately 2 years ago, members of the Armed Services Committee sat down with counterparts of ours from other European parliaments. We met here in Washington, DC, and I remember asking specifically the question of our European counterparts, with regard to Bosnia, the conflict that is taking place there, is that a situation in which you feel the United States should take a leadership role? Are we supposed to go in there and resolve that? And I am paraphrasing, but they said no, that is our problem. That is in our European backyard. We, the European countries, must solve this problem, not the United States.

Then we saw how the United Nations policy began to be implemented. They placed the European peacekeepers in Bosnia. And as we watched, we saw routinely these peacekeepers being taken hostage. We saw these peacekeepers that were being handcuffed to potential target sites that bombing efforts might take out. But here were the peacekeepers handcuffed, held hostage. There was no peace that they were able to keep. Also, Mr. President, tragically, many of these peacekeepers watched as atrocities were inflicted upon different groups in Bosnia because the U.N. rules of engagement did not allow them to do anything else, so they watched these atrocities take place. This policy that was designed to resolve the problems of Bosnia was an absolute failure, a terrible failure.

Congress has been passing resolutions saying lift the arms embargo because one thing that Americans believe in is self-defense. Unfortunately, the effort of passing in both Houses the measure to lift the arms embargo was rejected by the White House.

The allies said, "Absolutely not. You must not lift the arms embargo because that could put our European peacekeepers in peril." Tell me, what greater peril could there be than what was happening to those peacekeepers? But the allies insisted that that would be a mistake to lift the arms embargo.

Just some months ago, Senator DOLE hosted a gathering of Senators with the Prime Minister of Bosnia. I remember very clearly the Prime Minister of Bosnia saying, "We don't want your boys to fight on our soil. We have boys to fight. What we need are weapons." And he said, "We can respect the United States taking a neutral position. We can respect that. But it is not neutral to deny us the weapons for our boys so that they can defend themselves and their families on our soil." But that is

what the United States was doing. So much for neutrality. But the allies continued to say, no, no to lifting the arms embargo. So they stayed with a failed policy.

Here is the incredible leap of logic that I just have a hard time grasping. And that is that with this failed United Nations policy, as carried out by our allies, the same ones who said that it was their problem to solve, we are now told causes a real question of U.S. leadership. The failed policy in Bosnia is carried out by the allies, but now we are told it is a U.S. leadership dilemma.

Warren Christopher, the Secretary of State, in fact, said the placement of our troops into Bosnia is the acid test of U.S. leadership. Well, I have to question why we must put 20,000 troops into Bosnia to meet the acid test of U.S. leadership. If there is any question about U.S. leadership in the world, let me just discuss a few items that the United States is doing.

American forces are enforcing the no-fly zone and economic sanctions in the Balkans. American military personnel are enforcing the no-fly zone and economic sanctions against Saddam Hussein. The American troops are helping to restore democracy in Haiti. And 40,000 American troops are preserving peace on the Korean peninsula. Also, 100,000 American military personnel are in Europe fulfilling our commitments to NATO. America took the lead in negotiating the Bosnian peace agreement. And that is significant.

When I was in Bosnia, I saw Ambassador Holbrooke, and I saw his tireless efforts to bring about the settlement. We are the world's only military superpower. We are the world's largest economy. So how in the world does someone then, from this list, draw the conclusion that our placement of 20,000 troops into a piece of real estate called Bosnia is the acid test of United States leadership? And also how can anybody, after reviewing this type of list, which is simply a partial list, state that somehow we are advocating isolationism? This is not the list of isolationists.

Mr. President, we are told that the key to success of the mission is establishing military equilibrium. In other words, in order for us to ultimately complete the mission and return our troops home and the allies to go home, the Bosnians must have military equilibrium with Serbs and the Croats because even as late as today we are told that is the only way they can defend themselves and, if they are not allowed to defend themselves, then it will not work. That is what the administration said.

That is exactly what many of us have been saying for months, that if you do not allow the Bosnians to defend themselves, it will not work. That is why it has not worked. And now we are told that the key to success on this mission



is that we must have this rebuilding of the Bosnians. In other words, we need to lift the arms embargo.

Previously, our allies said no, you must not lift the arms embargo. But now apparently by paying the price of putting 20,000 American troops on the ground in Bosnia, now everybody says, this is the right way to go. Now we can achieve military equilibrium, which again is what we have been advocating for months in this body and in the body across the rotunda.

I fail to see why this proposed deployment is the acid test of United States leadership when you consider how we got here. We did not need to get to this point. There were other options, options such as lifting the arms embargo as passed by Congress.

With regard to the second point, on European stability, the argument there is that, if we were to allow this conflict in Bosnia to continue, it would spread, it may spread to Greece, it may spread to Turkey, and then we have vital United States interests, and, therefore, we must contain this conflict, we must not allow the fighting to go on; therefore, we are going to send an overwhelming force into Bosnia so there would be no fighting.

But ironically we are told, if fighting does break out again—and there is that possibility—then the United States will immediately leave and the NATO allies will immediately leave. So the very reason we are going in there is to make sure there is no fighting, but if fighting breaks out, we leave. If that is not a paradox.

I asked the administration if there would not be a great temptation in that instance, with an overwhelming force, if they would not feel compelled to snuff the conflict right then, because if that is the mission, you do not want this to spread, perhaps you need to snuff it right there. But, no, they would not do that.

Therefore, I think that shows you the flaw of this strategy. Instead of putting the troops in there that says, if there is a fight, we would immediately leave, we should have a containment strategy in the surrounding area so it cannot leave. You lift the arms embargo and you allow the Bosnians to defend themselves and, if it spreads, you have the borders and you stop it. We had options, Mr. President.

We are told also with regard to an exit strategy—I asked former Defense Secretary Schlesinger at a recent hearing in the Armed Services Committee, "Do you believe that we have an exit strategy?" And he said, "No. We have an exit hope." That has been the dilemma of so many of our actions that we have taken. We have not had an effective exit strategy.

When we talk about this, again, that the military equilibrium is a key to the exit strategy, with all of the different annexes that were developed in

Dayton that have been initialed, which will soon be signed in Paris, volumes of written agreements between these warring factions, is it not ironic that that element dealing with the potential buildup of Bosnian arms is only verbal? It is not in writing. To me that is amazing, if that is the key to the mission and that is the only thing that is verbal.

Mr. President, I do not feel that on an issue like this there is any room for partisanship. I remember when I arrived here approximately 3 years ago, one of the very first pieces of legislation that I embraced and was proud to cosponsor was the legislation by Senator FEINGOLD, a member of the Democratic Party. I am a Republican. It did not bother me at all because he was right. And his legislation was to lift the arms embargo.

I felt passionately about that. I still do, and it was a bipartisan effort. It was passed in a bipartisan effort.

I believe in this current situation, Congress has been brought in too late. The commitment has been made. But I will just add, this Bosnian problem did not just happen when the new administration came into power. It had been there, and we had not dealt effectively with it.

I ask myself to cast my votes based upon what I think is the right thing for the country, the right thing for the troops and what sort of precedent I am establishing for myself in future votes of this nature.

Tonight, we had a meeting at the White House, eight Senators met with the President, Vice President, Secretary of State, Secretary of Defense, Chairman of the Joint Chiefs of Staff, the National Security Adviser, and I appreciate that invitation to have that sort of discussion in that sort of a setting so that we could ask the questions. But I will tell you, Mr. President, after approximately 1 hour and 20 minutes in that setting asking the questions, I came out convinced that we are following the wrong policy, we are following the wrong strategy. We did not exercise the options that I believe firmly we should have exercised and, in a funny, roundabout way, we are beginning now to try to implement those but we are going to put 20,000 troops in there to accomplish, in essence, the lifting of an arms embargo.

But with regard to this situation, like Senator SMITH stated, there will be no question, there will be no doubt about my support of the United States troops, the finest military personnel in the world. They are the finest, and we will do all that is necessary, in the event that they are sent to Bosnia, to make sure they have the equipment, to make sure they have whatever they need. In Somalia, we saw a problem because, for political reasons, they were not given the equipment they needed. That will not happen. We support our troops wherever. We support them.

I believe that the Dole-McCain amendment will be that perfecting resolution that says in the event the troops are sent, then there is going to be a list of reporting requirements to Congress so that we are not left out of milestones that must be met so that mission creep does not happen. I have not seen the final language of that because I believe it is still being worked on, but I believe that will be the intent.

I am a cosponsor of the Hutchison amendment because, Mr. President, the terrible dilemma that we are in is that the options that had merit were not exercised with our allies. And I underscore "with," because we must work with our allies. We have been through too much together for us to not work today and in the future with our allies. But we now find ourselves in the situation where a commitment has been made, and I respectfully and strongly disagree with that action.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I want to share some additional thoughts with Members of the body with regard to the deployment of troops in Bosnia.

Some Members in their busy schedules may have missed articles that appeared in the New York Times and Washington Post, but for those who continue to probe this question and try and analyze whether or not this is a wise move, I wanted to share these quotes.

The first one is from the New York Times, December 3, 1995. It is a page-1 story. The headline is: "Foreign Islamic Fighters in Bosnia Pose Potential Threat for G.I.s."

The second paragraph reads:

"The American tanks do not frighten us," said a fighter, standing under a black flag covered with white Arabic script. "We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray that we will one day be martyrs."

The article continues:

They are even suspected in the shooting death last month of an American civilian employee of the United Nations.

I do not think it was widely covered in the United States, however, the week in which I visited Bosnia, specifically the day before I went up to Tuzla, an American had been killed.

The article continues:

The mujaheddin have also vowed to kill five British citizens in retaliation for the October 5 killing, by British United Nations

troops, of a mujaheddin fighter who pointed a loaded pistol at them.

Mr. President, I ask unanimous consent to have printed a copy of the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 3, 1995]

**FOREIGN ISLAMIC FIGHTERS IN BOSNIA POSE A POTENTIAL THREAT FOR G.I.'S**

(By Chris Hedges)

PODBREZJE, BOSNIA AND HERZEGOVINA, Dec. 2.—On a bleak, wind-swept hilltop, bearded Arab soldiers, many in the traditional black garb of Afghan fighters, stomped their feet to ward off the bitter chill, shifted their automatic rifles and cursed the impending arrival of American soldiers.

"The American tanks do not frighten us," said a fighter, standing under a black flag covered with white Arabic script. "We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray we will one day be martyrs."

With the cease-fire in Bosnia, these militantly Islamic volunteers known as mujahedeen, who fought alongside Bosnian Government soldiers against Serbs and Croats for much of the war, have turned their attention to what they see as the other, often internal, enemies of the faith.

They are even suspected in the shooting death last month of an American civilian employee of the United Nations.

Many of these 3,000 to 4,000 men are veterans of the war in Afghanistan and are often wanted in their own countries, linked to violent Islamic groups struggling to overthrow the Governments in Egypt, Algeria, Saudi Arabia and Yemen. In their zeal to enforce a militant form of Islam that most Bosnian Muslims themselves do not espouse, the fighters, distinctive in their flowing black beards, force United Nations vehicles off the road, smash bottles of alcohol in shop windows and warn Christian families at gunpoint to leave Bosnia.

The mujahedeen have also vowed to kill five British citizens in retaliation for the Oct. 5 killing, by British United Nations troops, of a mujaheddin fighter who pointed a loaded pistol at them.

The killing of the fighter, a Bosnian Muslim named Elvedin Hodzic who had joined the mujahedeen, is the kind of event United Nations officials say could easily trigger violent clashes between the Islamic militants and American troops. The British are now locked in a war of nerves with the mujahedeen troops.

Five days after the shooting, a rocket-propelled grenade was fired at a United Nations military observer team along a mountain road. The team's armored car was destroyed, but those inside escaped with slight wounds. Two weeks later a British United Nations patrol in the town of Zavidovici was surrounded by about two dozen heavily armed mujahedeen who threatened to kill the soldiers until Bosnian Government troops intervened.

On Nov. 18, William Jefferson, a native of Camden, N.J., employed by the United Nations, was found shot twice in the head near Banovici. United Nations officials strongly suspect that he was killed by the mujahedeen, who may have mistaken him for a British citizen.

Most British aid workers, whose homes have been attacked and spray-painted with Arabic slogans, have left Zenica. The few who remain ride in unmarked convoys, change their routes and never go out at night. And the British Overseas Development Administration office in Zenica has placed armed guards out front and removed its signs.

"This is worse psychologically than the shelling," said Fred Yallop, the administration director.

The clash with the British has also pointed out to many aid workers the strength of the mujahedeen and the weakness of the local authorities.

"The problem," a senior United Nations official said, "is that the local authorities have no control over the mujahedeen. The mujahedeen are protected by the Bosnian Government. They operate with total impunity. We do not know who controls them, perhaps no one."

Many mujahedeen fighters carry Bosnian identity cards and passports, although they often do not speak the language. And Western aid workers who report the frequent theft of jeeps and vehicles by mujahedeen troops say the Bosnian police are powerless to enter their camps to retrieve the vehicles.

"We see them drive by in vehicles that were stolen from international organizations and the U.N.," said a British aid worker, who insisted on remaining unidentified.

The mujahedeen here are based in a four-story yellow building that was once a factory in the village of Podbrezje, three miles north of Zenica, in what would be the American sector of Bosnia, and they are among the Muslim volunteers who came to Bosnia shortly after the war started in 1992. The fighters are revered in the Arab world, and videotapes that extol their bravery and dedication are sold on street corners from Aden to Cairo.

The mujahedeen served as shock troops for the Bosnian Army and have suffered severe casualties in frontal assaults on Serbian and Croatian positions. All view the West, despite the scheduled deployment of some 60,000 NATO-led troops, as an enemy of the faith they have vowed to give their lives defending.

"The American soldiers will be just like the U.N. soldiers," said a fighter wearing green combat fatigues and speaking in heavily accented Persian Gulf Arabic. "They will corrupt the Muslims here, bring in drugs and prostitution. They will destroy all the work we have done to bring the Bosnians back to true Islam. The Americans are wrong if they think we will stand by and watch them do this."

The Bosnian-Croat Catholics who live near this mujahedeen camp, one of about 10 in Bosnia, have suffered some of the worst harassment. Many have been beaten by mujahedeen fighters and robbed at gunpoint. More than half of the Catholic families in this village have been driven from their homes. When they flee, their houses are promptly seized by the Islamic militiamen.

Jazo Milanovic and his wife, Ivka, sat huddled by their wood stove one recent evening waiting for the police. At the house of their next-door neighbor, mujahedeen fighters were carting out household items. The fighters would finish their looting before the police arrived.

"They walk in and take what they want," the 68-year-old farmer said, "and the one time I protested to them they fired a burst over my head. The bullet holes are still in the wall. We will all be forced out soon."

But it is not just the mujahedeen who have gained a foothold in Bosnia. There are at least 10 Islamic charities in Zenica, including one run by the Iranian Government, that many Western governments view with deep suspicion. The charities have budgets in the tens of millions of dollars and work to build militant grass-roots organizations in Bosnia. Human Relief International, an Egyptian foundation that is outlawed in Egypt, is one such group.

The 40 Egyptians who work for the charity in Bosnia are all wanted in Egypt on terrorism charges. Western diplomats and United Nations officials say the charities, along with the mujahedeen, have combined to create a powerful militant Islamic force in Bosnia that could be inimical to American interests here.

"We are all code red," said Airman Elhamalaway, who works for the Egyptian charity. "If we ever go back to Egypt, which we will not, our names come up bright red on a computer so the police know we should be immediately arrested."

Mr. BROWN. Mr. President, the point of the article, and the reason I share it with Members, is simply to make a clear point. This is not a benign action. This is an area where there are serious problems that have not been resolved by the peace agreement and where there are forces that can inflict harm on American troops.

I understand and appreciate American troops are willing to face dangers, face combat, but it would be foolish for any Member of this Senate to think that we are sending people into an area that has been cleared of danger because of the peace agreement.

Mr. President, I also ask unanimous consent to have printed in the RECORD a similar article from the Washington Post dated November 30.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 30, 1995]

**FOREIGN MUSLIMS FIGHTING IN BOSNIA CONSIDERED "THREAT" TO U.S. TROOPS**

(By Dana Priest)

The Pentagon is seriously concerned about the threat posed to American peacekeeping troops in Bosnia by several hundred Islamic fighters who come from outside the country but are based in the Bosnian region that the U.S. military will control, officials said yesterday.

While land mines, bad roads, soupy weather and disgruntled rogue paramilitary groups also are listed as likely hazards for western troops, it is the freelance groups of religious zealots that particularly worry military planners.

U.S. officials called the non-Bosnian Muslim fighters "hard-core terrorists." Some U.S. officials said they believe some of those Muslims were the ones who killed an American civilian working for the United Nations on Nov. 19 in the northern city of Tuzla, where the U.S. headquarters is to be based. The investigation is continuing.

"Many [of the Muslims] are very brave fighters," one Defense Department analyst said. "They have taken large casualties. They have taken on some important operations and are willing to take some tough action."

They are, in short, the men willing to drive car bombs and take part in other suicide attacks against western soldiers. Worse, there



is no obvious way to make them leave the region.

Defense officials estimate that throughout Bosnia, there are "a couple thousand" fighters from Islamic countries—including Algeria, Iran, Saudi Arabia, Afghanistan, Libya, Pakistan and Egypt—who have fought with the army of the Muslim-led Bosnian government against separatist Serbs.

Many of the foreign Muslims are based around Tuzla, which is to become the headquarters for "Sector North" of the NATO-led operation, the area to be controlled by American troops. Many also operate from three towns to the north of Zenica, which is likely to define the southern border of the U.S. sector.

The foreign Muslim groups usually carry small arms and antitank weapons. Some, like the Iranians, are organized into their own brigades. Others have been blended into the regular armed forces and paramilitary groups.

Within the last several weeks, non-Bosnian Islamic troops have stepped up attacks on western troops and civilians. They fired a rocket-propelled grenade at one U.N. vehicle and attacked several others with small arms fire.

Also recently British soldiers who are part of the U.N. peacekeeping mission killed a member of one Islamic group, who they said pulled a pistol on them. Shortly afterward, the group retaliated by killing American civilian worker William Jefferson, 43 of Camden, N.J., whom they mistook for a Briton because he spoke with an accent, defense analysts said. The Bosnian government told United Nations officials it had captured and killed the three Islamic soldiers involved.

Although the Dayton accord calls for all foreign fighters, including mercenaries and trainers, to leave Bosnia, defense officials acknowledge that they have little hope that any of the parties can, or are willing, to persuade the Islamic groups to leave. The Bosnian government has given them tacit approval to operate in its territory because they are good fighters and have helped it win battles.

"There are certain elements of the Bosnian government who don't want to separate themselves from these particular elements," said the defense analyst, who spoke on the condition he not be named. "They will find a way of hiding these elements, to merge them into" the regular armed forces.

A civilian who has worked with the Bosnian government said the United States is trying to "put some heat" on Turkey, Saudi Arabia and other countries with some financial influence over the groups, to make them leave. "These guys are mean," he said. "You've got to control them."

Mr. BROWN. Mr. President, I want to share with Members a concern that I had early on when we began to deploy U.S. forces into Bosnia by the way of aircraft. I was concerned about the ground rules and the rules of engagement with regard to aircraft. I specifically raised with the administration a series of questions as to what we would do if Americans were attacked while they were performing routine air patrols. Frankly, my concern was that we would end up duplicating what happened in Vietnam. Because our actions in Vietnam is relevant, let me summarize that briefly.

U.S. troops were deployed in Vietnam but not given the rules of engagement

that allowed them to quickly respond. If a forward air patrol spotted enemy troops on the ground no action against those troops could be taken unless you had been fired on. They could be carrying in supplies or ammunition that would be used against our troops. I recall one particular unit was carrying the North Vietnamese flag. That was not enough to allow engagement of combat or use of airstrikes and naval gunfire in the coastal regions.

What was required was for the air patrol plane to fly low enough so the troops were attempting to fire on you. Once the troops fired on you, then you were allowed to call in an airstrike.

That airstrike called for approval by a variety of commands before a response could be made.

The quickest I ever had a response that allowed action was 2 hours. One time it was over a day before we got a response. In the north, when our fliers went on missions, we had the Pentagon schedule the majority of those flights, and they dictated the road of ingress and the path of egress, and dictated the flight level at which you could come in. If you did not finish a target, you would go back into the cycle for retargeting, done in Washington, not in the field. Generally, the Vietnamese knew how long that cycle took and they knew when you would be coming back, they knew the altitude you would be coming in at, the altitude you would be addressing at, the course you would be taking into the target, and the course you would take away from the target. Mr. President, we set our people up for turkey shoots.

So I thought it was a legitimate question to ask specifically what the rules of engagement for our missions into Bosnia would be. As Members will recall, in Vietnam we ruled out of order some of the best targets. I know of Secretary McNamara's book. I read it. He goes to great length to talk about all the targets he allowed. He left out that the most important targets were ruled off limits. I thought a legitimate question was, if we were attacked by forces from Serbia, would we retaliate against the supply depots, against the bridges, or against the forces that originated the attacks or supported the attacks on the American troops? That is what I asked in the report.

This was a series of discussions on October 5, 1993, before the U.S. planes were shot down.

Senator BROWN. Can you assure me that if our troops are fired on, they will have the right to return fire?

Ambassador Oxman. Yes. The rules of engagement would permit self-defense.

Senator BROWN. We would be able to bomb supply bases of troops that attacked our troops?

Ambassador Oxman. Senator, I think I would not go further than to say there would be rules of engagement which would permit NATO forces to defend themselves and carry out the mission.

Senator BROWN. Let me be specific. In Vietnam, key bridges were put off limits, bridges that carried troops and vital supplies to the North Vietnamese troops. They used those supplies to attack American troops, and yet these key bridges were put off limits, and our planes were not permitted to attack some of the most valuable targets of the enemy. Can you assure me that that will not be the policy if we send troops to Bosnia?

I found it difficult to get an answer, other than "they would have the necessary rules of engagement to defend themselves in order to carry out that agreement."

Mr. President, we have experience in Bosnia already. We detected ground-to-air missiles, SAM missiles. We detected the radar that was following our planes. We knew the locations of Serbian missiles. The U.S. intelligence knew that. We publicly have acknowledged that the Serbs had missiles that were ground-to-air missiles they could use to shoot down our planes. We knew they were in the locations where our flights were going. We had detected the radar from those units, and we still ordered our planes to fly the missions, and one of our planes was shot down. We are all aware of that.

But perhaps what some Members have forgotten is what we did in retaliation. My concern had been, in the October 1993 hearing, that we would not respond, that we would give a message that Americans are a punching bag and will not punch back. For those Members who have forgotten, let me review what happened.

They shot down our plane, even though we knew the missiles were there and did not cancel the mission. We did not go after the missiles. We did not go after the installation. After the plane was shot down, we did not go after those locations. We did not bomb the bridges that brought those missiles to the front. We did not bomb the supply depots where they came from.

Mr. President, what we did when they shot down our plane was nothing. Now, can you come up with reasons for not doing anything? Of course you can. But what I want to call to mind for the Members is this: What kind of message do you think that sends to people who would attack American forces? Does it encourage them to attack us, thinking we will not fight back? What kind of message does it send to the parents of Americans who might die in combat to know that we do not even care enough about our troops to defend them and retaliate when they are attacked?

Mr. President, I think the administration was remiss in, one, not making sure that we moved against installations that would fire SAM missiles against us and, two, when it happened, not following up and retaliating against those who did. What you have, in my belief, is a callous disregard for those who wear the uniform of the United States. They deserve to be defended and protected and stood by. It is

a mistake for us to put them into combat unless we are willing to stand with them, and that is part of the problem of this mission. It is not speculation; it is what happened in Bosnia already by this administration—Americans were fired on, and the plane was shot down, and we turned our back on those who wear our uniform in terms of protecting or defending them.

Mr. President, I want to follow up. First, I want to pay tribute to the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. I have made an effort to get all the information I could about this mission, and they have been, frankly, quite helpful in responding. They have taken a great deal of their time to not only try and respond to the questions, but to be helpful in providing information. I think that is to their credit. I have great respect for all three of them.

I want to share with the Senate, specifically, a question and an answer that I had asked because I think it goes to the very heart of this issue of when we stand by our troops when they are in the field.

This was submitted to Secretary of State Warren Christopher on October 17. I received the answer today.

**Question:**

If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian government in Belgrade, will we retaliate against Belgrade?

I think that is a reasonable question. If we know they have been involved in attacks against our troops, will we retaliate against Belgrade, or put them off limits like they did in Vietnam?

A. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?

B. Will our rules of engagement include the authority to take actions to cut off supply lines from Serbia itself?

C. Will strikes into Serbia or Croatia, if necessary to ensure the protection of American troops, be authorized?

That is pretty specific. If they attack us, will we go after those who attacked us?

The response is:

\*\*\* IFOR will have complete freedom of movement throughout Bosnia.

That is helpful. It does not respond to the question, but I think it is helpful.

But let me share the response to the more specific aspects:

IFOR commanders will operate under procedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agreement or a threat to IFOR. This would help ensure that violations are dealt with effectively and further violations deterred.

It goes on in the concluding paragraph, specifically, with regard to my questions as to whether we will go after them if they attack our troops. This is the Secretary of State:

I cannot speculate now on what the U.S. would or would not do against Serbia or Croatia if it were determined that violations of peace accord were supported from outside Bosnia and Herzegovina. Such decisions would be made based on the particulars of the situation.

Mr. President, I want to submit that entire question and response so the record is complete.

I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTION FOR THE RECORD SUBMITTED TO SECRETARY OF STATE WARREN CHRISTOPHER BY SENATOR HANK BROWN, COMMITTEE ON FOREIGN RELATIONS

Question. 5. If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian (Yugoslav) government in Belgrade, will we retaliate against Belgrade?

a. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?

b. Will our Rules of Engagement include the authority to take actions to cut off supply lines from Serbia itself?

c. Will strikes into Serbia or Croatia, if necessary to ensure the protection of American troops, be authorized?

Answer. As specified very clearly in the Dayton agreement, IFOR's mission is to implement the military aspects of that agreement: enforcing the cessation of hostilities, withdrawal to agreed lines, and creation of a zone of separation; and overseeing the return of troops and weapons to cantonments. The forces, their training, their equipment, and their Rules of Engagement (ROE) are geared to these missions. IFOR will have complete freedom of movement throughout Bosnia. This mission will be even-handed. It is important to keep in mind that the parties themselves bear primary responsibility for achieving the peace in Bosnia which they themselves sought, initiated in Dayton on November 21, and will sign in Paris on December 14.

IFOR commanders will operate under procedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agreement or a threat to IFOR. This would help ensure that violations are dealt with effectively and further violations deterred. IFOR's ROE authorize the use of force, up to and including deadly force, to ensure its own safety and fulfillment of its mission.

Obviously, IFOR's mandate and mission focus on Bosnia and Herzegovina. I cannot speculate now on what the United States would or would not do against Serbia or Croatia if it were determined that violations of the peace accord were supported from outside Bosnia and Herzegovina. Such decisions would be made based on the particulars of the situation.

Mr. BROWN. Mr. President, the reason I quote that is because I am concerned about it. I am concerned that, once again, this country will send troops into harm's way and then turn their back on them. Mr. President, I submit this response of the Secretary of State as some indication of what may happen. It is not just the experi-

ence we had with the shot down pilot where we did not respond when they shot him down, and we did not go after the surface-to-air missile emplacement—even at the start, they were unwilling to give us a commitment that if Serbia attacks our troops we will go after them.

Mr. President, I believe part of this depends on what Serbs think we will do. If they think if they attack our troops we will ignore it, they will be tempted to take a different course of action than if they know we will respond if they attack us. I think this invites attacks. I think the vagueness of our commitment invites attacks on our troops.

Mr. President, I respect the Secretary of State—and I understand how he does not want to be pinned down—but I respectfully suggest, Mr. President, that this is the problem, a willingness to commit troops, and ask them to make the final commitment, in Abraham Lincoln's words "without our willingness to stand beside them."

In my book, if you are going to be true to those troops, if you commit them to combat and somebody goes after them, we have an obligation to defend them and to go after whoever attacked them. There should be no doubt about it. That is part of what is wrong with this mission, an unwillingness to stand squarely beside young men and women we put in harm's way.

There is one last aspect I want to mention before closing. I heard some very conscientious, intelligent Members who I have enormous respect for come to this floor and say,

We think it is a mistake to send troops to Bosnia but the Commander in Chief has made the decision and it is not our role to prohibit him acting as Commander in Chief in dispatching troops.

They may have said it in a different way, but in its essence it boils down to that—a deference to the President in this regard. The doubt or concern about the decision the President made but a deferring to the President in terms of the matter of deploying the troops into Bosnia.

Mr. President, I most sincerely have a different view of the American Constitution and frankly of the logic of the governmental process. I do not know how any scholar can read the proceedings of the Constitutional Convention, can understand the struggle for independence that this Nation went through, can understand the cases that have come down from the Supreme Court, and not come to the conclusion that the essence of the American experience in constitutional government is checks and balances.

The Founders believed in and perfected the system of checks and balances as effectively as anyone has in the history of the world, and there have been a lot of attempts. To look at the American experience and assume



the President has unlimited authority to commit our troops to combat situations and Congress' only job is to simply go along is to misunderstand the effect of our Constitution.

I believe it is quite clear that Congress has a role to play. Tomorrow we will play that role as we vote. But none of us should be under the impression that the Constitution allows us to duck our responsibility. The truth is, a declaration of war comes from Congress, and the ability to control the purse strings comes from Congress.

If we turn our back on our responsibilities under the Constitution we will be just as responsible for this unfolding tragedy as the misguided President who brought it about.

I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. COHEN. I listened with interest to the presentation of the Senator from Colorado who is now occupying the chair. He delivered it with great passion. That passion stems from his experience of having been in the fields of Vietnam and having witnessed the kind of policy that we pursued there—in leaving, in many cases, our troops without either the military or moral support that they deserved.

He spoke with great eloquence and passion, and I think his words should be given serious consideration by all of our colleagues as we deliberate and debate this issue tonight, tomorrow, and beyond.

If you watch the evening newscasts, it is very clear our troops are heading into Bosnia as we speak. The anchor-men are there cataloging the various vehicles that are rolling by, the numbers of troops, the feelings and sentiments of the men and women who are being sent, the reaction on the part of the citizens that they are being sent to help defend. And various commentaries being offered by military leaders who have served in the past as part of the U.N. force.

It is interesting to get their different perspectives in terms of both the mission and how long it might be before we complete that mission. So our troops are in Bosnia, and we have to ask the questions: How did they get there? What will they do there? When will they leave? How will we ever measure their success?

I think it is fairly clear that the road to Bosnia has been paved with good intentions and poor judgment. The road has been littered with mistakes. We can point to those in the past. I say

that the early recognition on the part of a united Germany of Croatia was one of those initial mistakes. I think the new united Germany at that time was feeling its power, its diplomatic initiative, and that prodded a number of countries to follow suit too quickly in recognizing Bosnia-Herzegovina.

The West fell in line to applaud its—the Germans—diplomatic initiative.

When predictable war broke out, the Europeans, who were steeped in Balkan history, said it is a local issue. It is really not our problem. It is a domestic civil war. These tribes as such, these factions, have been making war for centuries. We are not going in.

So the United States was not about to intervene where Europeans feared to tread. If we had any inclination to do so, if the Bush administration had any predisposition to going in to helping solve that particular war, it was discouraged from doing so by domestic politics.

After all, President Bush had come off of a major victory in the Persian Gulf. He was riding very high in the polls at that time but the charges were he was too interested in foreign affairs, he had neglected domestic issues. The Nation was suffering, and therefore he should turn his gaze away from world affairs and concentrate on domestic issues.

So if there were any inclination, and I am not sure there was at the time, but if there were any inclination on President Bush's part to intervene in any significant way in that war, he was discouraged from doing so.

UNPROFOR, the U.N. peacekeeping force was sent in. I have spoken on this floor on a number of occasions, written articles for the Washington Post and other publications, suggesting—no, not suggesting, but declaiming, that it was an inappropriate mission for U.N. forces to send blue helmets into that region. It was inappropriate to send these brave, heroic people wearing blue helmets and flak jackets and carrying very light weapons into a region that was so mired in conflict at that time. It was an inappropriate mission for them to perform. It was a "Mission Impossible," in many ways, for them to perform. But those soldiers performed that mission as well as they could, given their circumstances. But they were put directly in the midst of an ongoing war and asked to keep the peace.

They were attacked without retaliation. They were taken hostage. They were humiliated by the warring factions who demanded that they pay tribute, that they give up half of their fuel, half of their food, half of their weapons, whatever it was, to gain access to the starving population that they were sent to help feed and clothe. They were tied to weapons storage sites to prevent any kind of attack by the United States or Western allies.

We had the anomalous situation—and the presiding officer, Senator BROWN,

touched upon this—we had the anomalous situation of the military leaders on the ground saying, "Please send in the cavalry, send in air support, attack the people who are attacking us." But, of course, the planes did not come and the relief did not come because they received some hot air excuses from U.N. diplomats who held the keys to the weapons. It was a so-called dual-key arrangement, which amounted to dual nonsense to those on the ground.

So, we watched the situation unfold with heroic blue helmeted soldiers carrying out their mission as best they could, as atrocity was piled on atrocity, until we could no longer stand it.

The final blow came when the artillery shell was launched into Sarajevo, killing 69 innocent people and wounding some 200 others. We continued to watch the evil of ethnic cleansing, and all the while the world stood by, praying for peace while the innocents were slaughtered.

There were some in this Chamber, I point specifically to Senator DOLE, the majority leader, who said we should lift the embargo, multilaterally if possible, unilaterally if necessary, and strike, if necessary, in order to prevent the Serbs, at that particular time, from continuing their assault upon safe havens, so-called safe havens. Lift the embargo and strike, or simply lift the embargo and let them fight. And on each occasion he was rejected.

The administration said no, you cannot do this and you should not do this. Our allies have said no. The President has said no. The United Nations has said no, it would endanger the UNPROFOR forces who are on the ground. By the way, United States, you do not have any forces on the ground so do not be so quick to lift, or to lift and strike. It would endanger the UNPROFOR forces, and it would lead to more slaughter. And if we should act unilaterally, then NATO would dissolve, the U.N. forces who were there would leave, the United States would no longer have any credibility, and we would endanger the other embargoes that exist on Iraq and other countries who have engaged in, certainly, unfriendly behavior.

So, under the threat that we would endanger NATO, that NATO would dissolve, nothing was done. The slaughter continued and the regions were cleansed of their undesirables.

Last spring, President Clinton made a pledge to commit up to 20,000, perhaps as many as 25,000 troops to aid the extraction of U.N. forces, if it became necessary. That really was a shot across the Senate's bow at that time, saying, "If you are going to insist on lifting the embargo over the objection of the President, over the objection of our allies, over the objection of the United Nations, then I am making a commitment as Commander in Chief. I will commit 20,000 American troops,

ground forces, to help extricate the U.N. forces from that situation."

That was a pledge he made publicly. I think, perhaps to his surprise, President DOLE—strike that for the moment—Senator DOLE said, "I agree. If we have to get U.N. peacekeepers out of there in order to allow the Bosnian Moslems to defend themselves, that is a decision we will support."

But that was the marker that was laid down. We are going to commit U.S. forces on the ground in order to extricate the peacekeepers in the event the United States unilaterally decided to lift the embargo or our allies decided the United States was no longer interested in pursuing a multilateral approach and therefore said, "We are getting out." We would help get them out.

So, Congress retreated. We retreated on that issue. We waited. We delayed. We debated. We did nothing, until finally we saw one atrocity too many. We would strike, and we did strike, but we would not lift. And we saw an immediate reaction once we decided to apply air power. The President sent off his chief negotiator, Secretary Holbrooke, to then hammer out a truce.

Again, we hesitated. All of us in this Chamber and the other Chamber as well, we hesitated. "Don't interfere with the President. He conducts foreign policy. Don't cut his legs off with a preemptive vote of disapproval. Allow him to conduct this effort." And we backed away. Once again, we deferred.

We deferred because, No. 1, we assumed, or at least thought, perhaps the negotiations will fail on their own weight. Perhaps the negotiations will be unsuccessful. So why should we take action at this point on a preemptive basis to say, no matter what you arrive at in the way of negotiation, we disapprove your sending American troops to help keep that truce? So we did nothing at that time.

Also, we should be very candid about it, if we had taken so-called preemptive action to assert our constitutional authority, our control over the purse strings, saying, "No funds appropriated under this account may be expended for the deployment of ground forces in Bosnia," and the negotiations then failed, Congress did not want to accept the blame for it. So we backed away and we waited.

Now, I mention this all by way of a preface to the debate over constitutional power. Who has it? Does the President have the undiluted, unilateral power to send troops to Bosnia, or does Congress have the power? That is a debate that cannot be resolved and will not be resolved during the course of this particular discussion.

Who has the power depends upon who lays claim to it, who takes possession of it, who runs with it. I know the Senator from Colorado is an attorney,

skilled in tax law and real estate law and may recall from law school days that possession is 90 percent of ownership. Who takes possession of the power and runs with it really determines who has it, ultimately.

The fact is, Congress has yielded its powers to the Executive over the years. "Don't vote to strike. Don't vote to lift. Don't vote to disapprove before the negotiations. Don't vote to disapprove after the negotiations." Much of what we say and do really does not matter at all, does it? Because the President has said, "I really am not too concerned about whether you approve or disapprove, because I am going anyway. The troops are going in anyway." Even if the House and the Senate were to vote overwhelmingly to disapprove the sending of American troops to Bosnia, the President has already indicated they are going in any event. "It is my prerogative. It is my power. I am going to keep the commitment I made to the NATO allies and I don't really"—

He cares, of course; I am oversimplifying. He cares, but not enough to say that he would abide by the decision.

As a matter of fact, during hearings in the Armed Services Committee last week, the Secretary of Defense, Secretary Holbrooke, and the Chairman of the Joint Chiefs of Staff, were there to testify, and they were very candid about it. I specifically asked the question: In the event that Congress should pass a resolution disapproving the sending of American forces into Bosnia, the President does not intend to be bound by that decision, does he?

And the answer was a very clear, "No."

The next question that follows onto that, of course, is, well, what if Congress fashions a resolution that imposes certain conditions, or seeks to define the mission with greater clarity to remove some of the confusion and the ambiguities that exist in the documents that were signed and negotiated in Dayton? Would the President in any way feel constrained by those conditions? And, of course, ultimately the answer is no. Secretary Perry was very clear, very direct. If he felt that any resolution passed by the Congress in any way posed a danger to our troops, he obviously would recommend to the President that he not abide by it. We got into something of a semantic dual with the Administration witnesses saying they will not ignore it, but they certainly will not abide by it.

So this entire debate on what we are going to pass in the way of a resolution has no ultimate, no practical, consequence in terms of preventing the troops from going there. More will be going shortly this week.

So, Mr. President, I raise these issues this evening because it is in stark contrast to what took place back during the debate on the Persian Gulf war. I

have a whole sheath of notes. I was going to quote from speeches that were made at that time by my colleagues on the other side. That might seem to be a bit unfair, hitting below the intellectual belt on the eve of a vote. But I sat this afternoon reading through their statements, and I was struck by the passion with which they were delivered, by the intensity of the charges that were made at the time should President Bush ever neglect to come to Congress to get its approval. Some suggested he would be impeached, or should be impeached.

In all candor, President Bush was not eager to come to the Congress. I recall on at least two, possibly three, occasions going to the White House with a group of Senators and Congressmen standing up in the East Room, and urging the President to come to Congress to get our approval. The President's advisers at that time said, "He really does not need your approval. He has approval from the United Nations." I do not know how many of us have sworn allegiance to the U.N.

But we, over a period of time, were able to persuade him that it was important. I think from a constitutional point of view he had the obligation to come to get our approval. But even from a political point of view, it was an imperative that he come and get our approval because you should never send American forces into war, or into the danger of a war zone in which they might be forced into war, without the solid support of the American people. And, if you put our troops in such a dangerous position, if you send them off to war without the broad support of Congress—after all, we reflect the views of our constituents—without that broad consensus, then you can anticipate what will happen.

When people start to die, when they start to be flown back to Dover in their flag-draped coffins, CNN cameras will be there to capture that. And the hearts that beat so loudly and enthusiastically to do something to intervene in areas where there is not an immediate threat to our vital interests, when those hearts that had beaten so loudly see the coffins, then they switch, and they say: "What are we doing there? Why are our young men and women dying in that region?" And the President at that time needs to have the support of the Congress to say, no, once we commit our troops to a region, we have to stand behind them. And the worst thing you can do to American credibility—once you send them into battle and the casualties start to mount—is to leave, to quit and leave before the mission is completed. That will do more to undermine America's credibility as a world power, as a superpower, as a reliable ally, than anything we could possibly do.

So that is the reason it is important, it is critical, for a President to build



the support for the deployment prior to making the decision—not the inverse, not putting the troops there first and then coming back and getting support. You have to build the support, give the reasons, persuade the American people that it is our solemn duty and responsibility to take action. And when people start dying, when sons and daughters start dying, we are still going to carry through on the mission. If he does not do that, then he is going to be naked unto his enemies, because the fact of the matter is, unless you have Congress on record in support of such action, when the public turns Congress will be in full pursuit. And that will not bring credit to this institution. It will not bring credit to the United States.

That is why I urged at that time President Bush to come to the Congress. He did so, and he was able by a very thin margin to persuade the Senate and the House—a larger margin in the House but a very thin margin here in the Senate—that it was in our national security interest to see to it that Saddam Hussein did not remain in Kuwait, and that he did not stand astride the oil fields of the Middle East and threaten to go all the way to Riyadh in Saudi Arabia.

We talked about the implications of a tyrant, a dictator of his magnitude, standing astride the oil fields and what it would mean to international stability. We talked about his having biological weapons, chemical weapons, and, yes, even a nuclear capability and the possibility of developing intercontinental ballistic missiles, ICBM's. And still we were only able to persuade a few Members on the other side that it was important that he be removed from Kuwait by force.

I mention all of that tonight because the mood has changed, and the rhetoric has changed. Suddenly we see a support coming forth for the President of the United States on a bipartisan basis thanks to the leadership of Senator DOLE, Senator LIEBERMAN, and others—Senator MCCAIN. It was not a bipartisanship that was shared during the Persian Gulf war even though there was a much greater identifiable national security interest there than there is in Bosnia. This is much closer to a humanitarian interest and a potential national security interest. But it is hardly of the magnitude and the immediacy as posed by the Persian Gulf war.

So what do we do at this point? They are over there. More will be there later this week. What we have to do is to lend our support to the troops. We are not going to undercut them at this point as they are going into a very dangerous mission. We intend to support them but to do so in a way that makes it clear why they are going, what they will do, and when they and we will know that it is time to come home.

So we talk about exit strategies—code word, "exit strategy." Basically it means defining what the mission is; defining the mission so you can measure success, so you can say at the end of their tour of duty that the commitment they made was exactly worth the price they are being asked to pay in order to achieve a certain identifiable goal.

There is some confusion about this. And that is why this debate is important. That is why it is important that we pass a resolution being as definitive as we can, even if the President is going to ignore it. Whatever we say, it is important that we try to define what we believe the application is, and should be.

Secretary Warren Christopher made a statement while in Dayton, and he indicated—at least to me the statement indicated—that the mission was to "assure the continuity of the single state of Bosnia-Herzegovina, with effective federal institutions and full respect of its sovereignty by its neighbors." Mr. President, no such state has ever existed. What he was saying is that we are about to build a nation upon the ashes of a failed nation. No such nation ever existed for any period of time. Almost simultaneous with its recognition as a separate state, war broke out. There has been no single separate state with effective federal institutions whose sovereignty is respected by all neighbors on all sides.

So is this going to be our mission? We raise this issue. The answer is no. That is not our mission.

That is nation building, but nation building is not something we are supposed to be sending our troops to do. So there is to be no nation building. That apparently is clear. There will be no resettlement of refugees under the aegis of American Forces. That is not going to be our task. There will be no organization or monitoring of elections. That is not our task.

In fact, there will be no hunt for war criminals. You may recall that President Clinton indicated he thought those who have been charged with committing atrocities should be brought to justice. In fact, he declared they would be brought to justice—Karadzic, Mladic, to name two. Are we going to hunt them down? Well, not exactly. If they happen to wander into the area of Tuzla or the areas that we will be patrolling, if we happen to stumble across them in that region, then obviously we can grab and apprehend them and bring them to justice. But that is not going to be our mission. We are not going to hunt down war criminals. And so that also has to be excluded as part of the mission of our young men and women.

There are side agreements, annexes, which have caused me some concern and some need to seek clarification. Apparently a part of our effort, contained in Annex 1-B, has to do with

something called build-down. We are going to seek an arms build-down in the region.

Now, I have taken issue with this publicly because it is a complete misuse of the term "build-down." Build-down was a phrase that was coined back in 1983 referring to a proposal Senator NUNN and I developed. Beginning with an article I wrote for *The Washington Post* January, 1983, that talked about how we could force reductions in nuclear forces as we modernized them to make them more survivable, more mobile. We needed to have a more stable relationship with the Soviet Union, and therefore we wanted to get rid of these fixed, big targets that they had and we had. And one way to do that was to have more mobility and fewer numbers, and so we formulated a concept saying, for every one new missile we put into our inventory, we take two old ones out. And that is where the phrase "build-down" came from.

Well, we are not really seeking to put new modern weapons into the region and build them down on a 2-for-1 basis. That is the phrase that has been used. We will use it for convenience sake, but it has no relationship to the actual reality of what we are seeking to do. What we are seeking to do is have the parties in the region reduce their arms.

Now, if you or I, Mr. President, were negotiating an arms control treaty with any of the parties involved that directly affected our security, we would never sign this agreement. We would be run out of office on a rail were we to sign such an agreement, because in essence it relies not upon verification, not upon independent assessments but upon the declarations of the parties. We are going to rely upon the Serbs to tell us how many weapons they have and where they are, and the Croats and the Moslems, all to make a good-faith statement of the weapons they have in their inventory, and then we will see if we cannot help to negotiate a relative build-down, arms reduction to equal or semi-equal levels.

We have asked people in the business of making these kinds of judgments—former Secretary of Defense James Schlesinger, former National Security Council Adviser Brent Scowcroft, former Defense Under Secretary Paul Wolfowitz—would you trust any of these individuals to declare their inventory, would you rely upon that? Brent Scowcroft said he would not trust any of them. I do not know how many here would trust any of them. The history is not replete with accurate assessments and declarations made by any of the individuals involved, any of the leaders, any of the troops.

Yugoslavia, the former Yugoslavia, in fact, is renowned for having hundreds, if not thousands, of underground caves and caches where thousands of weapons are stored. So now they are

going to say, we have them all stored in X, Y and Z and you can go in and take a head count for yourself and we will agree to build down.

Very few people believe that is going to be possible. So the next question is, well, if we cannot really guarantee that there is going to be an arms reduction that will result in some sort of military equilibrium, then we have an obligation to see to it that the Bosnian Moslems are put in a position that, when we leave, they will be capable of defending themselves. Well, that means we are going to arm them in the alternative.

What the resolution of Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others says is we really have that wrong. If you are talking about an exit strategy, the best we can hope to do is maintain a truce, a cease-fire for a year—I will talk about the year's timeframe in just a moment. That is the best we can hope to do. And during that time, we have to see to it that the Moslems are going to be in a position to defend themselves when we leave, if war should break out. Otherwise, we cannot declare that we have been successful in our mission.

If I had my druthers on this, I would do it in reverse. I would say, let us put the parties in a relative state of equilibrium now, let us build up the Bosnian forces now and then see if we can get them to agree to reduce to roughly equal levels and then leave. At least you would have a real incentive at that particular point for everybody to negotiate in good faith.

Right now, we know from listening to the administration and to others that the Bosnian Serbs do not want us to arm the Moslems. The Croats do not want us to arm the Moslems. Our NATO allies do not want us to arm the Moslems. Article after article is now being written: Do not arm the Moslems; they have plenty. And, by the way, you do not want to upset the stability that has been achieved.

That is one of the areas that we have to remove in terms of our policy. Are we going to use fig leaf phrases to hide our naked ambiguities? Is that what we are about? Saying, well, we have this commitment on the side and a lot of opposition to it, so let us put it out there. In the event we do not get the arms reduction, we will see to it they are able to defend themselves.

Well, how and who? Who is going to provide the weapons? Under what circumstances, under whose aegis? Are we really fooling anyone? I quoted from a soul singer recently: Who is zooming who? Who are we zooming when we say we are totally neutral on this mission, that we are evenhanded and neutral and not favoring one side or the other? We ought to be up front about it. I know that causes concern for many, saying if we in fact are going over to help make sure the Bosnian Moslems

can defend themselves, when we leave we are putting ourselves in danger.

That may be the case. That may be the case. But I would submit to you, Mr. President, and to my colleagues, leaving this in a state of suspended ambiguity also puts our troops in danger. We have to be very clear of what we are about. And so the resolution that will be offered tomorrow will in fact seek to define that our goal is to make sure that at the end of this period of time, be it 12 months or longer or less, when we leave, the Moslems will be in a position to at least be on a relatively equal playing field.

Now, is it going to be 12 months or not? Our colleague, Senator WARNER, asked a very important question during the hearings last week. He suggested to Secretary Perry that he was troubled by the 12-month timeframe; there seemed to be some political overtones to that.

Let me say here, as I said before during the hearings, not for a moment do I think that President Clinton made the decision to send troops into Bosnia for any political purpose. There is absolutely no political benefit that I can perceive that will come from that decision. There is not much of an up side, as we say in politics, from that kind of decision. A lot of down side to it. And so he is taking a very big risk. He is exercising what he believes to be leadership in the correct direction. We can challenge that or question that, but he is exercising leadership coming from the Oval Office.

And so I do not for a moment question his motivation. I think he is doing it because he thinks it is the right thing to do, which is not to say there will not be political implications and overtones come next September and October. It is an election year.

Hopefully—and we are going to pray on this and hope on this and be prepared for this—but hopefully we will never have a major confrontation between any of the major parties and U.S. troops. It would be an act of folly on their part in terms of the firepower we can bear.

But that is not the kind of conflict we can anticipate. If there are going to be any attacks launched against the NATO forces, U.S. troops in particular—and we assume there will be efforts to try to see how thin or wide our patience is going to be—they will come in the form of terrorist attacks, they will come in the form of landmines, they will come in the form of car bombs like we saw in Beirut, they will come in the form of a sniper's bullet. Those are the kinds of things that we can anticipate will take place.

Should we start to suffer significant casualties between now and next September or October, then obviously the President will be under pressure to pull the troops out. So I raised the issue with Secretary Perry. And to his cred-

it, he was absolutely direct. He did not try to circumvent and he did not try to hedge and he did not fudge or try to engage in any kind of obfuscation. He simply responded to my question.

I said: Is it unreasonable for me to assume that come next October a tranche of 2,500 troops will be coming home? He said: Not at all. In fact, they intend to start bringing the troops home next October, November, and December.

So, really, it is not a truly 12-month mission, it is going to be, at least partially, a 9-month mission. I raised the 9 months because Secretary Perry said in response to Senator WARNER: "Nine or ten months would have been a time one could have been quite suspicious about. But let me assure you that the question never came to me, it was never raised to me by the President, of lowering this time from 12 down to 9 or 10 months."

So, now at least we understand the troops will be coming home in September or October or certainly by November or December. I say that. It is a reality. It does not question the President's motivation in sending them in. But it raises the issue, if we are really planning on that kind of a strategy of getting them out starting in September or October, then that really does accelerate the timeframe in terms of what we have to do in order to complete the mission.

So we have to be very clear on what we are seeking to do. If you ask any other U.N. commander who has been in that region and say we will be out of there in 12 months, not to mention 9 months, they will shake their head and say, "No, no." The President of France said that we will be there for 20 years. A Canadian commander who has been there as part of the UNPROFOR forces has said that our grandchildren will be there, if we really are serious about carrying out a mission to help build a nation.

But, of course, that is not what we are going to do. We are simply going to maintain a cease-fire to keep the warring parties apart for a period of 9 months-plus.

So, Mr. President, I will not take any longer this evening to discuss this issue. It is getting late. It is not much of an audience that is going to be influenced by whatever I say this evening. But I do think it is important to try to spell out what we believe to be the goal of our forces there, that we make it as clear to the American people as we can, so that if things go awry, if things do not work out as the administration hopes and we pray they work out, that we will at least have defined what we believe the mission to have been and, hopefully, shape the administration's thought process on this so it does not get expanded.

We are worried about mission creep, that once we get there, once an incident starts to take place, once bullets



start flying, once there is an action and reaction, once someone is attacked and we respond, that we do not start engaging in mission creep and start to indulge ourselves with the added burdens that will come about under that kind of pressure.

The Chinese leader Mao said, "Power comes out of the end of a gun barrel." Power in this country does not come at the end of a gun barrel; it comes at the end of Pennsylvania Avenue and Capitol Hill. Power, as I suggested before, belongs to whomever claims it and exercises it.

Congress has chosen not to claim the power of deciding when to deploy American forces when our Nation is not under attack and when our vital national interests are not immediately at stake. So, we are where we are because we were not willing to risk the consequences of action. We have deferred, we have debated, we have waited, we have talked, and we have let the President take us to where we are today.

So our duty, as I see it, is now to define the role that our men and women must now play.

Mr. President, I yield the floor.

#### PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. COHEN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2606, involving the use of funds for troops in Bosnia, and that the Senate now turn to its immediate consideration, with no amendments in order to the bill or motions to commit or recommit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

The Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, I further ask unanimous consent that the bill be advanced to third reading and that final passage occur at 12:30 p.m., on Wednesday, December 13, with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I further ask unanimous consent that at 9 a.m., Wednesday, H.R. 2606 be immediately laid aside, that the Senate proceed to a Senate concurrent resolution to be submitted by Senators HUTCHISON, INHOFE, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. COHEN. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THE REVEREND DR. RICHARD C. HALVERSON

Mr. DODD. Mr. President, I was deeply saddened by the passing of Dr. Richard C. Halverson, our friend and our Chaplain who served the Senate with distinction for 14 years. Dr. Halverson was a shining example for us all—he embodied all that we seek to be in the eyes of our families, our friends, the Americans we serve, and of course, God.

George Bernard Shaw once wrote: "There is only one religion, though there are a hundred versions of it." Mr. President, I would say this is a fitting description of the community Dr. Halverson so gracefully ministered. There are as many different opinions in this Senate as there are Senators. Yet Dr. Halverson, in his kind and gentle manner, was always able to provide the individual counsel and insight that helped us reach decisions on issues both monumental and mundane. Amid the busy hustle and bustle of events here in the Senate, it is not difficult to lose grounding, and it becomes ever more important to remember our place in the universe. Dr. Halverson, through his daily prayers, helped us to keep our perspective.

Of course, Dr. Halverson served all the Senate employees, and those who knew him loved him just as much as he loved them. He was always available to help and guide people in need, people in pain, or people who just needed to talk.

But Dr. Halverson's work extended far beyond the United States Senate and the Capitol dome. He was minister to the Fourth Presbyterian Church in Bethesda, leader of the prayer breakfast movement and World Vision, and deeply involved in several other evangelical organizations. Dr. Halverson reached out to many, and he will be sorely missed.

I want to extend to his family my condolences, and during this difficult time wish for them the hope and strength that Dr. Halverson inspired in all who knew him.

#### TRIBUTE TO REVEREND DR. RICHARD HALVERSON

Mr. MURKOWSKI. Mr. President, tomorrow there will be a memorial service for the late Reverend Dr. Richard Halverson. I want to take this opportunity to express my sorrow and sadness over the passing of this man who served not only as Chaplain of the Senate for 14 years, but also as model of the Christian life.

Dr. Halverson came to the Senate after serving churches in Missouri, California, and Maryland. His leadership of World Vision, the Campus Crusade for Christ, Christian College Consortium, and the prayer breakfast movement, established him as a world-renowned figure.

But I always think of him as the Senate family Chaplain. He did not merely try to give guidance and wisdom to Senators. He served all in the Senate, including the family members of staffers at all levels of the Senate.

In moments of great stress, I know many Senators turned to Dr. Halverson for guidance and counsel. And every day, when Dr. Halverson opened proceedings with the prayer, he gave us strength and perspective in understanding the responsibilities we hold as Senators.

I am proud to have known Dr. Halverson and can truly say that I will miss him. I know that his family can be comforted in knowing that today he is with God.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember—one question, one answer.

The question: How many millions of dollars in a trillion? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the enormous Federal debt that is now about \$12 billion shy of \$5 trillion.

To be exact, as of the close of business yesterday, December 11, the total Federal debt—down to the penny—stood at \$4,988,568,481,765.63. Another depressing figure means that on a per capita basis, every man, woman and child in America owes \$18,936.69.

Mr. President, back to our quiz (how many million in a trillion?): There are a million million in a trillion, which means that the Federal Government will shortly owe five million million dollars.

Now who's in favor of balancing the Federal budget?

#### ERNIE BOYER—A GIANT IN EDUCATION

Mr. KENNEDY. Mr. President, the death of Ernie Boyer last week has deprived the Nation of one of its greatest leaders in education. Throughout his long and distinguished career, Ernie was unsurpassed as a champion of education, and I am saddened by the loss of a good friend and great colleague.

In the history of modern American education, Ernie Boyer was a constant leader, working to expand and improve educational opportunities for all Americans. His breadth and depth of knowledge and experience in all areas of education was unsurpassed.

As Commissioner of Education under President Carter, he helped to focus the attention of the entire Nation on these critical issues. He wrote numerous books in support of improvements in elementary, secondary, and higher education. He was a key member of many national commissions, and was a constant source of wisdom and counsel to all of us in Congress concerned about these issues.

Ernie once said he wished he could live to be 200, because he had so many projects to complete. He accomplished more for the Nation's students, parents, and teachers in his 67 years than anyone else could have done in 200 years. They may not know his name, but millions of people—young and old—have better lives today because of Ernie Boyer. Education has lost its best friend.

Mr. President, I ask unanimous consent that an article about Ernie Boyer from the New York Times and excerpts from the Current Biography Yearbook 1988 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 9, 1995]

Ernest L. Boyer, who helped to shape American education as Chancellor of the State University of New York, as United States Commissioner of Education and as President of the Carnegie Foundation for the Advancement of Teaching, died yesterday at his home in Princeton, N.J. He was 67.

Dr. Boyer had been treated for lymphoma for nearly three years, his assistant, Bob Hochstein, said.

Dr. Boyer also was the author of a number of reports for the Carnegie Foundation, a nonprofit policy study center in Princeton that has often set the nation's education agenda.

In 1987, when he detected that one of the major ills of higher education was that research was elbowing aside teaching, he wrote, "College: The Undergraduate Experience in America" (Harper & Row), in which he argued that "at every research university, teaching should be valued as highly as research." The book stimulated the present college movement that holds that much research is pointless and even harmful insofar as it distracts teachers from students.

In 1990, Dr. Boyer developed this theme in another book, "Scholarship Reconsidered" (Carnegie Foundation), in which he maintained that teaching, service and the integration of knowledge across disciplines should be recognized as the equal of research.

Another of his reports, "High School: A Report on Secondary Education" (Harper & Row, 1983), had an impact even before it was published. When officials at the United States Department of Education learned that Dr. Boyer, a former Federal Commissioner of Education, was working on a report describing the inadequacies of secondary public education and proposing a series of changes, they decided to start their own study, which came to be called "A Nation at Risk."

Published a few months ahead of Dr. Boyer's report, "A Nation at Risk" was frequently described as a national wake-up call, spelling out the failure of the public high

schools to provide students with basic knowledge and skills.

Dr. Boyer's report helped focus the ensuing discussion on specific plans like raising requirements for high school graduation, improving teacher certification and lengthening the school day.

Because the Carnegie study had been underwritten by a sizeable grant from the Atlantic Richfield Foundation, Dr. Boyer was able to back up his ideas with financial rewards and incentives. In 1983, he dispersed \$600,000 to 200 schools that were seen to be striving for "excellence" and two years later, he awarded grants of \$25,000 to \$50,000 to 25 high schools that were perceived to have improved their curriculums, teacher training and community ties.

Dr. Boyer believed the nation's most urgent education problem was high schools. Pointing to the high dropout rate among minorities, he expressed fear that "the current move to add more course requirements will lead to more failure among inner-city students unless we also have smaller classes, better counseling and more creative teaching."

He also felt that education improvements were bypassing too many impoverished children, with consequences for the future of the country. He advocated programs in nutrition, prenatal care for teen-age mothers, and more day care with summer classes and preschool education.

Among his other books, whose titles reflected his concerns, were "Campus Life" (1990), "Ready to Learn" (1991) and "The Basic School" (1995), all published by the Carnegie Foundation.

Dr. Boyer had been working on a book, "Scholarship Assessed," in which he was attempting to establish a means of measuring successful teaching and service so that they could be better rewarded.

In a statement released yesterday, President Clinton said: "The nation has lost one of its most dedicated and influential education reformers. Ernest Boyer was a distinguished scholar and educator whose work will help students well into the next century."

A compelling orator who never tired of his role as an evangelist of education, Dr. Boyer was a sought-after lecturer on such issues as the need for adult education away from a campus, overbearing academic management ("Bureaucratic mandates from above can, in the end, produce more confusion than programs"), and the decline of teaching civics and government in schools ("Civics illiteracy is spreading, and unless we educate ourselves as citizens, we run the risk of drifting unwittingly into a new Dark Age").

He was also a busy consultant, in recent years having advised governments like the People's Republic of China on educational policy.

Ernest LeRoy Boyer was born in Dayton, Ohio, on Sept. 13, 1928, one of the three sons of Clarence and Ethel Boyer. His father managed a wholesale book store and ran a mail-order greeting-card and office-supply business from the basement of the family home. Dr. Boyer once said that the most influential figure in his early life was his paternal grandfather, William Boyer, who was head of the Dayton Mission of the Brethren in Christ Church and who directed him toward "a people-centered life."

Dr. Boyer attended Greenville College, a small liberal arts school in Illinois, and went on to study at Ohio State University. He received his master's and doctoral degrees from the University of Southern California.

He was a post-doctoral fellow in medical audiology at the University of Iowa Hospital.

He then taught and served in administrative posts at Loyola University in Los Angeles, Upland College and the University of California at Santa Barbara. At Upland College, he introduced a widely emulated program in which the mid-year term, the month of January, became a period in which students did not attend classes but pursued individual projects. It was at Upland that he decided to devote his career to educational administration.

In 1965, he moved east to join the vast SUNY system as its first executive dean. Five years later, he became Chancellor of the institution and its 64 campuses, 350,000 students and 15,000 faculty members.

His 7-year term was a period of innovation. He founded the Empire State College at Saratoga Springs and four other locations as noncampus SUNY schools at which adults could study for degrees without attending classes. He also set up an experimental three-year Bachelor of Arts program; established a new rank, Distinguished Teaching Professor, to reward faculty members of educational distinction as well as research, and established one of the first student-exchange programs with the Soviet Union.

Dr. Boyer served on commissions to advise President Richard M. Nixon and President Gerald R. Ford. In 1977, he left SUNY after President Jimmy Carter appointed him to lead the United States Commission on Education, thus becoming the agency's last Commissioner before Congress elevated the position to cabinet rank.

Toward the end of the Carter Administration, disappointed that Congress had failed to elevate the Commission on Education to a cabinet-level department, Dr. Boyer accepted an invitation to succeed Alan Pifer as president of the Carnegie Foundation. He expanded the scope of his position to go beyond the study of higher education and to study education at every level, bringing the resources of the foundation to bear on the earliest years of a child's education.

Even when confined to a hospital bed last month, Dr. Boyer continued to keep up on developments in education, reacting to an announcement by the University of Rochester that it was downsizing both its student body and faculty in order to improve quality and attract better students.

"I think we're headed into a totally new era," he said. "After World War II, we built a nation of institutions of higher learning based on expansion. Research was everything, and undergraduates were marginalized. Now, time is running out on that."

Later in November, responding to the appointment of William M. Bulger, the longtime president of the Massachusetts State Senate, as President of the University of Massachusetts, Dr. Boyer deplored the trend of naming prominent politicians to lead colleges and universities.

"It is disturbing to see university leaders chosen on the basis of their political strengths," Dr. Boyer said. "A university president with strong academic credentials is a symbolic figure who can speak out on the great issues in a way that a political leader cannot."

"If you appoint political figures to these offices," he continued, "you have more political voices being heard, but they're being heard already. You need the other voices. Without the voices with strong academic credentials behind them, you can even imagine a time in the future when a politicized



university administration and a politicized board of trustees would be hugely impatient with academic freedom."

Dr. Boyer held more than 130 honorary degrees, including the Charles Frankel Prize in the Humanities, a Presidential citation.

He is survived by his wife Kathryn, and four children, Ernest Jr., of Brookline, Mass., Beverly Coyle of Princeton, N.J., Craig of Belize and Paul, of Chestertown, MD.

[From Current Biography Yearbook 1988]

BOYER, ERNEST L.

Sept. 13, 1928—Educator. Address: b. Carnegie Foundation for the Advancement of Teaching, 5 Ivy Lane, Princeton, N.J. 08540; h. 222 Cherry Valley Rd., Princeton, N.J. 08540.

One of the most influential and respected members of the American educational establishment is Ernest Boyer, who since 1970 has served successively as chancellor of the vast State University of New York (SUNY), as United States commissioner of education, and as president of the prestigious Carnegie Foundation for the Advancement of Teaching. Along the way, he has managed to accumulate more than sixty awards, trusteeships, and honorary degrees. Since 1983 he has been Senior Fellow of the Woodrow Wilson School, Princeton University. As the head of the Carnegie Foundation, he automatically assures that any topic he may choose to address will achieve a prominent place on the national educational agenda.

Boyer's concerns range beyond the confines of the classroom to such urgent issues as the need for child care in the workplace and for adult education away from the campus. Under his leadership, the Carnegie Foundation has issued two major critical studies, both written by him, on American high schools and colleges. Boyer is now training his sights on the earliest years of a child's education, including prekindergarten, as the target of the next important project of the Carnegie Foundation for the Advancement of Teaching. \* \* \*

While a graduate student Boyer worked as a teaching assistant at the University of Southern California and as an instructor at Upland College, where he became chairman of the speech department. After a year spent at Loyola University (Los Angeles), where he was director of forensics, he became professor of speech pathology and audiology and academic dean at Upland in 1956. His postgraduate research in medical audiology confirmed the effectiveness of a new surgical technique for treating otosclerosis, a disease of the middle ear.

In 1960, reaching what he later recalled as one of the "crucial crossroads" in his life, Boyer switched from teaching and research to administration when he accepted a position with the Western College Association. The California Board of Education had ordered all public schoolteachers to obtain a degree in an academic discipline—a decision that proved to be unpalatable to teachers' colleges—and Boyer was appointed director of the commission that was charged with carrying out the directive. Two years later, he became director of the Center for Coordinated Education at the University of California at Santa Barbara, administering projects to improve the quality of education from kindergarten to college.

In 1965 Boyer moved east to Albany, New York, joining the State University of New York as its first executive dean for university-wide activities—a title created especially for him. In that position he developed an impressive range of intercampus pro-

grams, including one providing for scholars-in-residence and another that established the SUNY chancellor's student cabinet. He became vice-chancellor of SUNY in 1968, a post in which he presided over large staff meetings, moderated discussions, and summarized them for Chancellor Samuel Gould, to whom he also made recommendations. Boyer's colleagues praised him for his organizational ability, and one university official described him as "an unassuming man with a firm streak. He's nobody's patsy. But he is a good listener."

On July 30, 1970, Boyer was appointed to succeed the retiring Samuel Gould as the administrative head of a complex system of sixty-four campuses, hundreds of thousands of students, and about 15,000 faculty members. In his inaugural address which he delivered on April 6, 1971, Boyer proposed that as many as 10 percent of the freshman class of 1972 be allowed to take an experimental three-year program leading to a degree. That initiative was adopted at several SUNY institutions within the year. He also called for the creation of the new rank of university teacher. His proposal was acted upon in 1973 with the introduction of the new rank of distinguished teaching professor in order to reward educational distinction as well as research.

Also quickly put into effect was the establishment of Empire State College, in response to a directive from the SUNY board of trustees to Boyer to investigate new methods of education that would enable mature students to pursue a degree program without having to spend their full time on campus. Such a program, as Boyer noted, would have the advantage of avoiding heavy construction and maintenance costs. Empire State College was established in 1971 with a small faculty core at Saratoga Springs, and with leased faculty at four other locations. Under the general guidance of a faculty member, students were able to work for a degree without attending classes, by means of reading, listening to tapes, watching television, following previously prepared lesson plans, traveling, or doing field work. \* \* \*

Just before the inauguration of Jimmy Carter as president of the United States, Boyer was named federal commissioner of education, responsible for administering education programs involving billions of dollars. The appointment appeared to be ideal for Boyer, even though it meant taking a pay cut from \$67,000 to \$47,500 a year, since Carter had been the first presidential candidate ever endorsed by the National Education Association and was on record as favoring a cabinet-level department of education. The new department was not established until 1980, however, and in the meantime Boyer found himself under a boss—Secretary of Health, Education, and Welfare Joseph A. Califano Jr.—who did not welcome independence from his subordinates and opposed the creation of a department that would diminish how own agency. \* \* \*

In October 1978 unnamed sources confirmed that Boyer had accepted the position of president of the Carnegie Foundation for the Advancement of Teaching, beginning in 1980. \* \* \*

At the Carnegie Foundation, Boyer took the helm of an organization that, in 1985, held income-producing assets worth more than \$35 million. "My top priority at Carnegie," he told George Neill in an interview for *Phi Delta Kappan* (October 1979), "will be efforts to reshape the American high school and its relationship with higher education. . . . I'm convinced that the high school is the nation's most urgent education problem."

On September 15, 1983, Boyer released the results of a \$1 million, fifteen-month study of the nation's high schools that was conducted by twenty-eight prominent educators, each of whom visited high schools in several cities. The report estimated that although 15 percent of American high school students were getting "the finest education in the world," about twice that number merely mark time or drop out and that the remainder were attending schools "where pockets of excellence can be found but where there is little intellectual challenge." Among the study's recommendations were adoption of a "core curriculum" for all students, designation of mastery of the English language, including writing, as the central curriculum objective for all students, requiring mastery of a foreign language for all students, a gradual increase in teachers' pay of 25 percent, after making up for inflation, and mandatory community service for students as a requirement for graduation.

The report was issued in book form as *High School: A Report on Secondary Education in America* (Harper & Row, 1983), with Boyer and the Carnegie Foundation listed as its authors. The academic book-reviewing publication *Choice* (January 1984) called it "an important contribution to the coming educational policy debate of the 1980's," and, in *Commonwealth* (April 20, 1984), the reviewer John Ratte wrote, "It is not damning with faint praise to say that Ernest Boyer's book is remarkably clear and well written for a commission study report." Andrew Hacker, writing in the *New York Review of Books* (April 12, 1984), assessed the report as "less a research project than Boyer's own book" and credited him with trying "to define how education can contribute to a more interesting and thoughtful life—and not just a more competitive one."

In his follow-up interviews and speeches, Boyer stressed the urgent need for better teaching in American high schools. He told Susan Reid of *People* magazine (March 17, 1986) that "by 1990, 30 percent of all children in the public schools will be minorities," noted the high dropout rate among minorities, and expressed the fear that "the current move to add more course requirements will lead to more failure among inner-city students, unless we also have smaller classes, better counseling, and more creative teaching. . . . To my mind, teaching is the nub of the whole problem. . . . All other issues are secondary." \* \* \*

In December 1987 Boyer and Owen B. Butler, vice-chairman of the Committee for Economic Development, addressed the University/Urban Schools National Task Force, organized by the City University of New York. The two leaders noted that the movement for educational change was bypassing many impoverished children, with consequences that could threaten the future of the United States. To alleviate the situation, Boyer proposed, among other things, improvements in nutrition, prenatal care for teenage mothers more effective day care, including summer programs, and preschool education.

The success of Ernest Boyer's career owes much to a work week that customarily extends to eighty or ninety hours. Although he is a quick study who is adept at drawing out other people and grasping their ideas, he rarely advances into the firing line, preferring to stay a half step behind some of his peers. "He has an unusual ability to bring people together," a former colleague told a reporter for the *New York Times* [March 16, 1977]. "It's a gift for finding consensus among a diverse group of people where none appeared to exist." \* \* \*

# REARRANGING FLOWERS ON THE COFFIN

Mr. MOYNIHAN. Mr. President, we are now in the final days of the 1st session of the 104th Congress. In a short while we will have worked out some accommodations on the budget. We must do this, for we will now be engaged in the establishment of some measure of peace and lawful conduct in the Balkans. It would be unforgivable if we put our military in harm's way abroad without first getting our affairs in some minimal order here at home.

I am fearful, however, that as we close out this session we will also close down the provision for aid to dependent children that dates back 60 years to the Social Security Act of 1935.

If this should happen, and it very likely will, the first and foremost reason will be the monstrous political deception embodied in the term Welfare reform.

In my lifetime there has been no such Orwellian inversion of truth in the course of a domestic debate. "Welfare reform" in fact means welfare repeal. The repeal, that is, of title IV-A of the Social Security Act. Everyone is to blame for this duplicity, everyone is an accomplice.

For practical purposes, we can begin with the celebrated Contract With America, which pledged that within 100 days, a Republican House would vote on 10 bills, including:

3. Welfare reform. The government should encourage people to work, not to have children out of wedlock.

This in itself was unexceptional, especially the second clause. By 1994, the nation had become alarmed by an unprecedented rise in illegitimacy, to ratios altogether ahistorical—from practically nil to almost one-third in the course of a half-century. Since illegitimate children commonly end up supported by Aid to Families with Dependent Children (AFDC), a causal connection was inferred. Not proven. We know desperately little about this great transformation, save that it is happening in all the industrial nations of the North Atlantic.

Undeterred, the new House majority promptly passed a bill which repealed AFDC. Such an act would have been unthinkable a year earlier, just as repealing Old Age pensions or Unemployment Compensation, other titles of the Social Security Act, would be today. At minimum, it would have seemed cruel to children. But the new Republicans succeeded in entirely reversing the terms of the debate. Instead of aiding children, AFDC was said to harm them. Last month, a Republican Member of the House remarked on the importance of child care:

... because our welfare reform package is going to remove people from welfare and get them to work. We understand that child care is a critical step to ending the cruelty of welfare dependency.

What once was seen as charity, or even social insurance is redefined as cruelty.

This happens. Social problems are continuously redefined. Malcolm Gladwell of The Washington Post has noted that, "In the 19th century, the assumption had almost always been that a man without a job was either lazy or immoral. But following the depression of the 1890's, the Progressives 'discovered' unemployment." Which is to say, a personal failing became a societal failing instead. This redefinition has wrought what would once have seemed miracles in the stabilization of our economy. Mass unemployment is now history. On the other hand, such cannot be said for the attempt to dissociate welfare dependency from personal attributes, including moral conduct. As we would say in the old Navy, I am something of a plank owner in this regard. It is just 30 years since I and associates on the policy planning staff of the Department of Labor picked up the onset of family instability in the nation, in this case among African Americans. Interestingly, this followed our having failed to establish that macroeconomic problems were the source of the trouble. In the event, I was promptly accused of Blaming the Victim. For the 30 years that followed there was an awful tyranny of guilt mongering and accusation that all but strangled liberal debate. One consequence was that when a political force appeared that wished to change the terms of debate altogether, established opinion was effortlessly silenced and displaced. Again, Gladwell:

But if anything is obvious from the current budget fight and Capitol Hill's commitment to scaling back welfare and Medicaid while lavishing extra billions on the Pentagon, it is that this once formidable confidence has now almost entirely slipped away. This is what has given Washington's current re-examination of the size and shape of government its strange ambivalence. In most revolutions the defenders of the status quo have to be dragged from power, kicking and screaming. In this revolution, the defenders of the old activism toward the poor surrendered willingly, with the shrugs and indifference of those who no longer believed in what they stood for either.

This was painfully evident in the Senate. On August 3, 1995, the Republican majority introduced a Welfare reform bill which abolished AFDC. That same day, the Democratic minority introduced a competing Welfare reform bill—which also abolished AFDC. On the minority side an enormous fuss is now being made over adding a little extra child care, some odd bits of child nutrition aid, perhaps a little foster care. Literally arranging flowers on the coffin of the provision for children in the Social Security Act. Coming from devious persons this would have been a conscious strategy—distracting attention from what was really going on. But these were not, are not, devious

persons. Sixty years of program liberalism—a bill for you, a bill for me—had made this legislative behavior seem normal. The enormity of the event was altogether missed.

I hope this is not mere innocence on my part. The Washington Post editorial page has been unblinking on this subject. An editorial of September 14 described the bill on the Senate floor as "reckless," adding with a measure of disdain: "Some new money for child care may . . . be sprinkled onto this confection." Those seeking to define welfare repeal as welfare reform by improving the Republican measure should have known better, but I truly think they did not. In recent years, child care has been something of a mantra among liberal advocates for the poor. For all its merits, it has awesome defects, which are the defects of American social policy. The most important is that it creates two classes of working mothers: one that gets free government provided child care; another that does not.

The Clinton administration arrived in Washington sparking with such enthusiasms. At this time, I was chairman of the Committee on Finance, charged with producing \$500 billion in deficit reduction, half through tax increases, half through program cuts. I thought deficit reduction a matter of the first priority, as did my fabled counterpart in the House, Dan Rostenkowski, chairman of Ways and Means. In the end, we got the votes. Barely. Fifty, plus the Vice President in the Senate. But all the while we were taking on this large—and as we can now say hugely successful—effort, we were constantly besieged by administration officials wanting us to add money for this social program or that social program. Immunization was a favorite. Rosty and I were baffled. Our cities had had free immunization for the better part of a century. All children are vaccinated by the time they enter school. If they aren't vaccinated at earlier ages, it is surely the negligence or ignorance of the parents that has most explanatory value. But nothing would do: had to add whatever billion dollars for yet a new Government service.

My favorite in this miscellany was something called family preservation, yet another categorical aid program—there were a dozen in place already—which amounted to a dollop of social services and a press release for some subcommittee chairman. The program was to cost \$930 million over 5 years, starting at \$60 million in fiscal year 1994. For three decades I had been watching families come apart in our society; now I was being told by seemingly everyone on the new team that one more program would do the trick. The New Family Preservation Program was included in the President's first budget, but welfare reform was not. In fact, the administration presented no welfare plan until June of 1994, a year



and a half after the President took office. At the risk of indiscretion, I ask unanimous consent to have printed in the RECORD at this point a letter I wrote to Dr. Laura D'Andrea Tyson, then the distinguished Chairman of the Council of Economic Advisors.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 28, 1993.

Dr. LAURA D'ANDREA TYSON,  
Council of Economic Advisors, The Old Executive Office Building, Washington, DC.

DEAR DR. TYSON: You will recall that last Thursday when you so kindly joined us at a meeting of the Democratic Policy Committee you and I discussed the President's family preservation proposal. You indicated how much he supports the measure. I assured you I, too, support it, but went on to ask what evidence was there that it would have any effect. You assured me there was such data. Just for fun, I asked for two citations.

The next day we received a fax from Sharon Gled of your staff with a number of citations and a paper, "Evaluating the Results", that appears to have been written by Frank Farrow of the Center for the Study of Social Policy here in Washington and Harold Richman at the Chapin Hall Center at the University of Chicago. The paper is quite direct: "... solid proof that family preservation services can effect a state's overall placement rates is still lacking." Just yesterday, the same Chapin Hall Center released an "Evaluation of the Illinois Family First Placement Prevention Program: Final Report". This was a large-scale study of the Illinois Family First initiative authorized by the Illinois Family Preservation Act of 1987. It was "designed to test effects of this program on out-of-home placement of children and other outcomes, such as subsequent child maltreatment." Data on case and service characteristics were provided by Family First caseworkers on approximately 4,500 cases; approximately 1,600 families participated in the randomized experiment. The findings are clear enough.

"Overall, the Family First placement prevention program results in a slight increase in placement rates (when data from all experimental sites are combined). This effect disappears once case and site variations are taken into account."

In other words, there are either negative effects or no effects.

This is nothing new. Here is Peter Rossi's conclusion in his 1992 paper, "Assessing Family Preservation Programs". Evaluations conducted to date "do not form a sufficient basis upon which to firmly decide whether family preservation programs are either effective or not".

May I say to you that there is nothing the least surprising in either of these findings? From the mid-'60s on this has been the repeated, I almost want to say consistent pattern of evaluation studies. Either few effects or negative effects. Thus, the negative income tax experiments of the 1970s appeared to produce an increase in family break-up.

This pattern of "counterintuitive" findings first appeared in the '60s. Greeley and Rossi, some of my work, Coleman's. To this day I can't decide whether we are dealing here with an artifact of methodology or a much larger and more intractable fact of social programs. In any event, by 1978 we had Rossi's Iron Law. To wit:

"If there is any empirical law that is emerging from the past decade of widespread

evaluation research activities, it is that the expected value for any measured effect of a social program is zero."

I write you at such length for what I believe to be an important purpose. In the last six months, I have been repeatedly impressed by the number of members of the Clinton Administration who have assured me with great vigor that something or other is known in an area of social policy which, to the best of my understanding, is not known at all. This seems to me perilous. It is quite possible to live with uncertainty; with the possibility, even the likelihood that once is wrong. But beware of certainty where none exists. Ideological certainty easily degenerates into an insistence upon ignorance.

The great strength of political conservatives at this time (and for a generation) is that they are open to the thought that matters are complex. Liberals have got into a reflexive pattern of denying this. I had hoped twelve years in the wilderness might have changed this; it may be it has only reinforced it. If this is so, current revival of liberalism will be brief and inconsequential.

Respectfully,

DANIEL PATRICK MOYNIHAN.

Mr. MOYNIHAN. Note that concluding paragraph: If we don't get as good at asking questions as conservatives have become, "the current revival of liberalism will be brief and inconsequential." In the course of the recent debate on "Welfare reform," specifically on September 14, I took occasion to note that almost the only serious critique of the Republican proposal, and its Democratic variant, was coming from conservative social analysts and social scientists. Let me cite three such criticisms which in sum, or so I would argue, make a devastating case against what Congress and the administration seem bent on doing.

First George Will, who in the high tradition of conservative thought, asks us to consider the unanticipated consequences of what we are about to do to children in the course of disciplining their parents. He wrote in September:

As the welfare reform debate begins to boil, the place to begin is with an elemental fact: No child in America asked to be here. \*\*\* No child is going to be spiritually improved by being collateral damage in a bombardment of severities targeted at adults who may or may not deserve more severe treatment from the welfare system.

Let me attach numbers to this statement. In 1968, as part of the social science undertakings associated with the Economic Opportunity Act of 1965, the Federal government helped establish the Panel Study of Income Dynamics at the Survey Research Center of the University of Michigan. The thought was to follow cohorts of real, named individuals over the years to see how income rose and fell over time. Earlier this year, using this data, Greg J. Duncan and Wei-Jun J. Yeung calculated that of children born between 1973 and 1975, some 24 percent received AFDC at some point before turning 18. Among African-Americans this proportion was 66 percent, while for whites it was 19 percent. All told some 39 percent

of this cohort received AFDC, Food Stamps, or Supplementary Security Income. (Duncan, Greg J. and Yeung, Wei-Jun J. "Extent and Consequences of Welfare Dependence Among America's Children." Children and Youth Services Review. Vol. 17, Nos. 1-2, pp. 157-182, 1995.)

And so we know what we are talking about. A quarter of our children.

A year ago November, James Q. Wilson gave the Walter Wriston lecture at the Manhattan Institute, entitled "Welfare Reform and Character Development." He began by insisting on how little we know:

Let me confess at the outset that I do not know what ought to be done and assert that I do not think anyone else knows either. But I think that we can find out, at least to the degree that feeble human reason is capable of understanding some of the most profound features of the human condition. What we may find out, of course, is that we have created a society that can no longer sustain a strong family life no matter what steps we take. I am not convinced of that, for the very people who express the deepest pessimism are themselves leading, in most cases, decent lives amid strong human attachments and competent and caring families.

What we worry about is the underclass. There has always been an underclass and always will be one. But of late its ranks have grown, and its members have acquired greater power to destroy their own children and inflict harm beyond their own ranks. The means for doing so—guns, drugs, and automobiles—were supplied to them by our inventive and prosperous economy. We must either control more rigorously those means or alter more powerfully the lives of those who possess them. I wish to discuss the latter, because the public is rightly dubious about how great a gain in public safety can be achieved by the legal methods at our disposal and is properly indignant about the harm to innocent children that will result from neglecting the processes by which the underclass reproduces itself.

The great debate is whether, how, and at what cost we can change lives—if not the lives of this generation then those of the next.

He then set forth three precepts. Note that the first is precisely where Will began:

First precept: Our overriding goal ought to be to save the children. Other goals—reducing the cost of welfare, discouraging illegitimacy, and preventing long-term welfare dependency—are all worthy. But they should be secondary to the goal of improving the life prospects of the next generation.

Second precept: Nobody knows how to achieve this goal on a large scale. The debate that has begun about welfare reform is largely based on untested assumptions, ideological posturing, and perverse priorities. We are told that worker training and job placement will reduce the welfare rolls, but we know that worker training and job placement have so far had at best very modest effects on welfare rolls. And few advocates of worker training tell us what happens to children whose mothers are induced or compelled to work, other than to assure us that somebody will supply day care. We are told by others that a mandatory work requirement, whether or not it leads to more mothers working,

will end the cycle of dependency. We don't know that it will. Moreover, it is fathers whose behavior we most want to change, and nobody has explained how cutting off welfare to mothers will make biological fathers act like real fathers. We are told that ending AFDC will reduce illegitimacy, but that is, at best, an informed guess. Some people produced many illegitimate children long before welfare existed, and others in similar circumstances now produce none, even though welfare has become quite generous. I have pointed out that group homes and boarding schools once provided decent lives for the children of stable, working-class parents who faced unexpected adversity, but I do not know whether such institutions will work for the children of underclass parents enmeshed in a cycle of dependency and despair.

Third precept: The federal government cannot have a meaningful family policy for the nation, and it ought not to try. Not only does it not know and cannot learn from "experts" what to do; whatever it thinks it ought to do, it will try to do in the worst possible way: uniformly, systematically, politically, and ignorantly. Today official Washington rarely bothers even to give lip service to the tattered principle of states' rights. Even when it allows the states some freedom, it does so only at its own pleasure, reserving the right to set terms, issue waivers, and attach conditions. Welfare politics in Washington is driven by national advocacy groups that often derive their energy from the ideological message on which they rely to attract money and supporters. And Washington will find ways either to deny public money to churches (even though they are more deeply engaged in human redemption than any state department of social welfare) or to enshroud those churches that do get public money with constraints that vitiate the essential mission of a church.

Finally, to Wilson's point that any welfare program significantly funded from Washington will be run "uniformly, systematically, politically, and ignorantly." I don't disagree. The Family Support Act of 1988 had two basic premises. The first was that welfare could not be a way of life; that it had to be an interlude in which mothers learn self-sufficiency and fathers learn child support, and also that this goal was to be pursued in as many different ways as State and local governments could contrive. I would like to think that I am not the only person still in Washington who recalls that in debate we would continually refer to the experiments being carried out by a liberal Democratic Governor in Massachusetts, Michael Dukakis, and a conservative Republican Governor of California, George Deukmejian. Our expectations, very much under control I should say, were based on the careful research of such programs by the Manpower Demonstration Research Corporation based in New York.

On December 3rd, Douglas J. Besharov of the American Enterprise Institute, the third of the conservative analysts I will cite, wrote in support of the welfare measure now in conference, stating that the experience of the JOBS program under the Family Support Act showed just how innovative and responsible States can be. He said:

Since 1992, the federal government has allowed states almost total freedom to reshape their welfare systems through the waiver process. According to the Center for Law and Social Policy (CLASP), as of last week, 42 states had requested waivers and well over half had already been granted.

As some will know, earlier this year I introduced the Family Support Act of 1995, seeking to update the earlier legislation, given seven years experience. In the current issue of *The National Journal*, in which I am referred to as the "champion" of "left-of-center advocacy groups," this measure, which got 41 votes on the Senate floor, is simply dismissed: "... MOYNIHAN's bill is principally a vehicle for defending the status quo..." Dreadful charge, but not unwarranted. The status quo is meant to be one of experiment and change. And it is. I so state: the idea of changing welfare has even taken hold in New York City.

Now to what I think of as a constitutional question, the source of my greatest concern.

I have several times now, here on the floor, related an event which took place in the course of a "retreat" which the Finance Committee held last March 18 at the Wye Plantation in Maryland's Eastern shore. Our chairman, Senator Packwood, asked me to lead a discussion of welfare legislation, the House bill, H.R. 4, having by then come over to the Senate where it was referred to our committee.

I went through the House bill, and called particular attention to the provision denying AFDC benefits to families headed by an unwed female under 18 years of age. I said that these were precisely the families we had been most concerned about in the Family Support Act. The welfare population is roughly bi-modal. About half the families are headed by mature women who for one reason or another find themselves alone with children and without income. AFDC is income insurance, just as unemployment compensation is income insurance. Or, if you like, social insurance, which is why we call it Social Security. These persons are typically in and out of the system within 2 years. The other AFDC families, rather more than half, begin as AFDC families. Young women with children typically born out of wedlock. These are the families the Family Support Act was concerned with. There are millions of families in just this circumstance.

A few days later, a colleague on the Finance Committee came up to say that he had checked on this matter at home. In his state there were four such families; two had just moved in from out of state. I can imagine the state welfare commissioner asking if the Senator wanted to know their names.

Here is the point as I see it. Welfare dependency is huge, but it is also concentrated. That portion of the caseload that is on welfare for two years or less

is more or less evenly distributed across the land. But three-quarters of children who are on AFDC at a point in time will be on for more than five years. They are concentrated in cities. In Atlanta, 59 percent of all children received AFDC benefits in the course of the year 1993; in Cleveland, 66 percent; in Miami, 55 percent; in Oakland, 51 percent; in Newark, 66 percent; in Philadelphia, 57 percent.

By contrast there are many States that do not have large cities and do not have such concentrations. The Department of Health and Human Services has estimated the number of children who would be denied benefits under the 5-year time limit contained in both the House and Senate welfare bills, now in conference. For California, 849,300. For neighboring Nevada, 8,134. For New York, 300,527. For neighboring Vermont, 6,563.

If welfare were a smallish problem—if this were 1955, or even 1965—an argument could be made for turning the matter back to State Government. But it is now so large a problem that governments of the states in which it is most concentrated simply will not be able to handle it. On December 3rd, Lawrence Mead had an excellent article in the *Washington Post* in which he described the recent innovations in welfare policy, all provided under the Family Support Act, in Wisconsin. His article is entitled: "Growing a Smaller Welfare State: Wisconsin's Reforms Show That To Cut the Rolls, You Need More Bureaucrats."

It begins:

The Politicians debating welfare reform would have us believe that their efforts will greatly streamline the current system, help balance the nation's books and reverse the growing tide of unwed pregnancy among the poor. What they aren't telling us is that, at the state and local level, the federal cuts in the offing are apt to increase—not shrink—the size of the welfare bureaucracy.

Mead's point is one we understood perfectly at the time we enacted the Family Support Act. The cheapest thing to do with chronic welfare dependent families is simply to leave them as they are. Changing them in ways that Wilson speaks of is labor intensive, costly and problematic. A nice quality of the Wisconsin experiments is that job search begins the day an adult applies for welfare. But this takes supervision. Mead notes that high performing areas of the state "feature relentless followup of clients to see that they stay on track." The term client is important; it is a term of professional social work. This sort of thing is not for amateurs. Most importantly, he concludes:

Even with Wisconsin's successes so far, important questions remain unanswered: What happens to the people who were formerly on the welfare rolls? Are they better or worse off than before? Can they sustain themselves long term? Anecdotes don't suggest great hardship, but nobody knows for sure. And



what evidence is there that this approach can flourish in inner cities where the social problems are far more serious? In Milwaukee, which has half the state's welfare caseload, the success has been far more modest than in the rest of the state.

These questions need answers before a case can be made that Wisconsin is the model on which other states should base their reforms. But this much is clear: Wisconsin's fusion of generosity and stringency does represent what the voters say they're looking for.

In Milwaukee, 53 percent of children are on AFDC in the course of a year.

I have been taken to task for suggesting that the time limits in the House and Senate bills will produce a surge in the number of homeless children such that the current problem of the homeless will seem inconsequential. So be it; that is my view. I believe our present social welfare system is all but overwhelmed. Witness the death of Elisa Izquierdo in Brooklyn. If 39 percent of all children in New York City were on AFDC at some point in 1993, I would estimate that the proportion for Brooklyn would have been at least 50 percent, probably higher. Hundreds of thousands—I said hundreds of thousands—of these children live in households that are held together primarily by the fact of welfare assistance. Take that away and the children are blown to the winds. A December 6 administration analysis concludes that the welfare conference agreement will force 1.5 million children into poverty. To say what I have said before here in the Senate: The young males can be horrid to themselves, horrid to one another, horrid to the rest of us.

By way of example, or analogue, or what you will, I have frequently referred to the Federal legislation that commenced the deinstitutionalization of mental patients. I was present at the creation of this movement. Early in 1955, our former esteemed House colleague, Jonathan B. Bingham, at that time secretary to Governor Averell Harriman of New York brought Dr. Paul Hoch, the new commissioner of mental health, in to meet the Governor. I was present, along with Paul H. Appleby, the new budget director. Dr. Hoch, a wonderful, humane man of science, told of a new chemical treatment for mental illness which had been developed by Dr. Nathan Kline at Rockland State Hospital in the lower Hudson Valley. It had been tested clinically. Hoch proposed that it be given to all patients, throughout the New York mental hospital system, which then held some 94,000 patients. Today there are 8,000. Harriman asked what the program would cost. Hoch mentioned a sum in the neighborhood, as I recall, of \$4 million. Harriman asked Appleby if he could find the money. Appleby, I cannot doubt having been cued by Bingham, replied that he could find it. Done, said Harriman, I am an investment banker and believe in investment. And so reserpine medication commenced.

Eight years later, on October 22, 1963, in his last public bill-signing ceremony at the White House, President John F. Kennedy signed the Community Health Center Construction Act of 1963. I was present, since I had worked on the legislation, and the President gave me a pen which I have in my hand here. We were going to empty out our great mental hospitals and treat patients in local community centers. We would build 2,000 by the year 1980, and thereafter one for each additional 100,000 persons in the population. Alas, we built some 400 centers, and then just forgot about our earlier plans. But we emptied out the hospitals. A decade or so later, the problem of the homeless appeared, to our general bafflement. I have commented that in New York, with our singular ability for getting problems wrong, homelessness has been defined as a problem of lack of affordable housing. We will very likely think up some equally misleading explanation for the growing numbers of homeless children when they appear, and so I would like to put this on the record now.

On December 3, a newspaper of considerable circulation did just this, however inadvertently. A long article on "welfare reform" was accompanied by a photograph of an overstuffed chair on which a broken, or battered doll had been placed. The caption read: "Republicans blame failed welfare policies for today's problems. Above, an easy chair at a Philadelphia homeless encampment." A photograph, I dread to say, of things to come.

Republicans must look to their own consciences. I would appeal to that of my own party. Last week, our distinguished majority leader, Senator BOB DOLE, stated that he hoped to bring welfare reform to the floor this week.

It is very likely next week there will also be a conference report on welfare reform. I think we have about concluded the conference. [The original bill passed in the Senate by a vote of 87 to 12. We believe we have retained most of the Senate provisions in the conference, and I ask my colleagues on both sides—this bill had strong bipartisan support—to take a close look.

Eighty-eight percent of the American people want welfare reform. We will have it on the floor, we hope, next week. We hope the President of the United States will sign it. In my view, it is a good resolution of differences between the House and the Senate. We still have one or two minor—well not minor—issues in disagreement we hope to resolve tomorrow, and then we hope to bring it up by midweek next week.

What is one to say? The Senate bill did indeed have "strong bipartisan support." If we do get a conference committee report, it will pass and will, I am confident, be vetoed. What I fear is that the repeal of the Social Security Act provision will return as part of a general budget reconciliation, and that bill will be signed into law. Should it do so, the Democratic Party will be to blame, and blamed it will be. It will

never again be able to speak with any credibility to the central social issue of our age.

We will have fashioned our own coffin. There will be no flowers.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 4:20 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1787. An act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement.

The message also announced that the Speaker has signed the following enrolled bill:

#### ENROLLED BILLS SIGNED

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 8:40 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 42. A concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and an amendment to the title:

S. 602. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from communist domination.

By Mr. SIMPSON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 991. A bill to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1465. A bill to extend au pair programs.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and an amended preamble:

S.J. Res. 43. A joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 14. A concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.

S. Con. Res. 25. A concurrent resolution concerning the protection and continued viability of the Eastern Orthodox Ecumenical Patriarchate.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Sandra J. Kristoff, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

A. Peter Burleigh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: A. Peter Burleigh.

Post: Ambassador to Sri Lanka and The Maldives.

Contributions, amount, date, and donee:

1. Self: \$200, 5/93, HRCF; and \$250 12/93, HRCF (Human Rights Campaign Fund).

2. Spouse, N/A.

3. Children and Spouses: N/A.

4. Parents: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: David P. Burleigh (and Mrs. Lougene Burleigh).

7. Sisters and Spouses: Ann Burleigh Boucher.

John Raymond Malott, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

The following is a list of all members of my immediate family and their spouses. I have asked each member of my immediate family to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: John R. Malott.

Post: Malaysia.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Hiroko Malott, \$100.00, 2-19-92, Paul Tsongas.

3. Children: David Malott, none. Rumi Malott, none.

4. Parents: Raymond Malott, none. Marian Malott, none.

5. Grandparents: all deceased, none.

6. Brothers and Spouses: Merle Barber: \$400.00, 1990, MARPAC.<sup>1</sup> \$400.00, 1991, MARPAC. \$400.00, 1992, MARPAC. \$400.00, 1993, MARPAC. \$400.00, 1994, MARPAC.

Linda Barber: none.

Tom and Marsha Barber, none. Donald Malott, none.

7. Sisters and Spouses: Ruth Ann and William Henline, none. Kathryn and Maury Wulbrecht, none. Mary Jane and Harold McQueen, none. Margaret and Gordon Reuben, none.

Kenneth Michael Quinn, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth M. Quinn.

Post: Cambodia.

Contributions, amount, date, and donee:

1. Self, \$500.00, Spring/Summer 92 Richard S. Williamson.

2. Spouse, LeSon Nguyen Quinn (joint contribution).

3. Children and Spouses: Davin Quinn, Shandon Quinn, and Kelly Quinn. None.

4. Parents: George K. Quinn—deceased. Marie T. Quinn—deceased.

5. Grandparents: Michael and Mary Farrell—deceased. Charles and Grace Quinn—deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Patricia and Andrew Kearney, none. Kathryn and Martin Cravatta, none.

William H. Itoh, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

The following is a list of all members of my immediate family and their spouses. I

<sup>1</sup>MARPAC is a political action committee of Marriott corporation executives. My stepbrother Merle had no involvement in determining whom the recipients of the MARPAC funds would be, and he is unaware of what part of the fund was used to support candidates for Federal office.

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William H. Itoh.

Post: Thailand.

Contributions, amount, date, and donee:

1. Self: \$30.00, 10/19/92, DNC; \$35.00, 2/28/93, DNC; \$35.00, 12/27/93, DNC; \$35.00, 12/27/94, DNC.

2. Spouse Melinda: none.

3. Children and Spouses: Charlotte: none. Caroline: none.

4. Parents: Vera M. Poage: deceased. K. Takashi Itoh: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: no siblings.

7. Sisters and Spouses: no siblings.

Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Frances D. Cook.

Post: Ambassador, Sultanate of Oman.

Contributions, Amount, Date, and Donee:

1. Self, \$50.00, 1989, Sen. Hatfield.

2. Spouse, N/A.

3. Children and Spouses: N/A.

4. Parents: Names: Mrs. Vivian Cook, \$50.00, 1992, Democratic National Committee for Clinton-Gore Election.

Names: Mr. Nash Cook (Deceased).

5. Grandparents: (Deceased).

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

J. Stapleton Roy, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: J. Stapleton Roy.

Post: Ambassador to the Republic of Indonesia.

Contributions, date, donee, amount.

1. Self, J. Stapleton Roy, None.

2. Spouse, Elissandra Roy, None.

3. Children and Spouses: Names: Andrew, David, Anthony, none.

4. Parents: Names: Andrew T. Roy:

03/25/91—Dem Sen Campaign Com	.....	\$20
12/08/91—Dem Natl Com Fed Acct	.....	\$25
05/05/92—Dem Sen Campaign Com	.....	\$20
05/29/92—Dem Cong Campaign Com	....	\$20
08/17/92—Dem Natl Com Fed Acct	.....	\$25
06/18/93—Dem Sen Campaign Com	.....	\$35
11/23/93—Dem Natl Com Fed Acct	.....	\$25
11/23/93—Dem Sen Campaign Com	.....	\$25
01/22/94—Dem Natl Com Fed Acct	.....	\$25
05/02/94—Dem Sen Campaign Com	.....	\$35
05/24/94—Dem Cong Campaign Com	....	\$30
08/07/94—Dem Natl Com	.....	\$20
12/28/94—Dem Cong Campaign Com	....	\$25
12/28/94—Dem Natl Com	.....	\$25
12/28/94—Dem Sen Campaign Com	.....	\$25
12/28/94—Penna Dem Victory Fund	....	\$25

Names: Margaret C. Roy (deceased).



5. Grandparents: Names: (deceased).

6. Brothers and Spouses: Names: David T. Roy, Barbara Roy, (joint), \$35, 10/11/92, Dem Nat'l Com, \$25, 02/01/94, Netsch for Governor, \$25, 03/07/94, Dawn Clark Netsch, Campaign Com, \$25, 06/01/94, Netsch for Governor.

7. Sisters and Spouses: None. Names: N/A.

Thomas W. Simons, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas W. Simons, Jr.

Post: Pakistan.

Contributions, Amount, Date, Donee.

1. Self, Thomas W., Jr., none.

2. Spouse, Margaret Q., none.

3. Children and Spouses: Names: Suzzane Deirdre and Benjamin Thomas, both unmarried, none.

4. Parents: Names: Thomas W. (deceased 1990), and Mary Jo Simons, none.

5. Grandparents: Names: All 4 deceased.

6. Brothers and Spouses: Names: No brothers.

7. Sisters and Spouses: Names: Sara R. and Richard Cohen, none.

Richard Henry Jones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Henry Jones.

Post: Ambassador to Lebanon.

Contributions, amount, date, donee.

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Joseph A. W. Jones, none. Vera E. W. Jones, none. R. Benjamin W. Jones, none. M. Hope W. Jones, none.

4. Parents: Dailey M. Jones, none (deceased<sup>2</sup>). Sara N. Jones, none.

5. Grandparents: B.O. Jones, none (deceased<sup>2</sup>). E.M. Jones, none (deceased<sup>2</sup>). J.A. Nall, none (deceased<sup>2</sup>). E.M. Nall, none (deceased<sup>2</sup>).

6. Brothers and Spouses: Dailey M. Jones II, none. Irene E. Jones, none. Joseph N. Jones, none (deceased<sup>2</sup>).

7. Sisters and Spouses: Names, none.

<sup>1</sup> All children are unmarried.

<sup>2</sup> All deceased relatives died more than four years ago.

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Franklin Collins.

Post: Ambassador-at-Large and Special Advisor to the Secretary for the New Independent States.

Contributions, date, donee, and amount.

1. Self, none.

2. Spouse: Dr. Naomi F. Collins Contributions:

09/90—Dollars for Democrats ..... \$15.00

10/90—Dollars for Democrats ..... 15.00

07/91—Dollars for Democrats ..... 20.00

10/91—Mikulski for Senate ..... 25.00

11/91—Emily's List ..... 35.00

11/91—Maryland Right to Choice ..... 25.00

01/92—Democratic National Committee ..... 10.00

02/92—Feinstein for Senate ..... 25.00

02/92—Boxer for Senate ..... 25.00

02/92—Ferraro for Senate ..... 25.00

02/92—Mikulski for Senate ..... 25.00

04/92—Maryland Right to Choice ..... 35.00

04/92—Braun for Senate ..... 25.00

09/92—Precise donee unknown (fund to elect Women to the Senate) ..... 50.00

06/92—Dollars for Democrats ..... 15.00

01/93—Democratic National Committee ..... 25.00

03/93—Dollars for Democrats ..... 15.00

05/93—DCCC (Democratic Congressional Campaign Committee) ..... 15.00

06/93—Bruce Adams for County Council ..... 25.00

10/93—Maryland Democrats ..... 15.00

11/93—Nancy Kopp (candidate for State Legislature) ..... 25.00

01/94—Women's Higher Education Fund ..... 18.00

01/94—Democratic National Committee ..... 25.00

03/94—Emily's List ..... 30.00

03/94—Bruce Adams for County Council ..... 25.00

03/94—Democratic National Committee ..... 20.00

04/94—Elanor Carey for Attorney Gen ..... 25.00

1994 ..... 30.00

05/94—Pat Williams ..... 25.00

09/94—Nancy Kopp ..... 25.00

09/94—Dollars for Democrats ..... 25.00

3. Children and Spouses: Robert S. Collins, and Deborah Chew (spouse), none.

4. Parents: Johnathan C. Collins, none and Caroline C. Collins, none.

5. Grandparents: Harrison F. Collins, 09/92, John Crawford (Candidate for Illinois Rep.), \$50.00, 1994, Democratic National Committee (Precise date and amount unknown), \$10.00.

6. Brothers and Spouses: Jefferson C. Collins, none.

7. Sisters and Spouses: No sisters.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles H. Twining.

Post: Ambassador to the Republic of Equatorial Guinea.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, Irene Verann Metz Twining, none.

3. Children and Spouses: Daniel Twining, none. Steven Twining, none.

4. Parents: Charles Twining (deceased), Martha Twining, none.

5. Grandparents: Isaac and Sarah Twining (deceased), Harry Caples (deceased), Margaret Caples (none).

6. Brothers and Spouses: David and July Twining, none.

7. Sisters and Spouses: N/A.

James A. Joseph, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James A. Joseph.

Post: Ambassador to South Africa.

Contributions, amount, date, and donee.

1. Self: \$500, 8/17/92, DNC, \$200, 3/17/92, DNC, 200, 6/24/94, DNC.

2. Spouse: Doris Joseph—Deceased.

3. Children and Spouses: Jeffery Joseph, none, Denise Joseph, none.

4. Parents: Adam Joseph—Deceased, Julia Joseph—deceased.

5. Grandparents: Deceased—names unknown.

6. Brothers and Spouses: John Joseph, none Katherine Joseph, none.

7. Sisters and Spouses: None.

Don Lee Gevirtz, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Don Gevirtz.

Post: Ambassador to Republic of Fiji.

Contributions, date, donee, and amount.

6/7/90—Jim Solomon—Congress ..... \$500

11/1/90—Anita for Congress ..... 300

4/22/91—Feinstein for Senate ..... 1,000

1/3/92—Clinton for President ..... 500

2/11/92—Feinstein for U.S. Senate ..... 500

2/11/92—Lynn Schenk for Congress ..... 1,000

2/24/92—Clinton for President ..... 500

3/31/92—Huffington for Congress ..... 500

4/17/92—Boxer for U.S. Senate ..... 500

6/17/92—Lynn Schenk for Congress ..... 1,000

7/6/92—Democratic Senatorial Campaign Committee ..... 3,000

8/10/92—DNC Victory Fund ..... 10,000

9/1/92—United Democratic Campaign Headquarters ..... 300

10/5/92—Huffington for Congress ..... 500

11/10/93—Democratic Senatorial Committee ..... 10,000

11/10/93—Democratic Leadership Council ..... 2,000

11/10/93—Feinstein for Senate ..... 1,000

2/22/94—Walter Capps for Congress ..... 1,000

4/4/94—Democratic Leadership Council ..... 8,000

4/29/94—Joe Kennedy for Congress .....	1,000
5/1/92—Clinton for President .....	125
6/8/94—Walter Capps for Congress .....	1,000
9/1/94—Lynn Schenk for Congress .....	500
9/28/94—Tom Andrews for Congress ....	1,000
10/3/94—Lee Hamilton for Congress ....	250
2/7/95—Clinton Defense Fund .....	1,000
Spouse: Marilyn Gevirtz:	
6/12/91—Feinstein for Senate .....	\$500
11/1/91—Campbell for U.S. Senate .....	500
2/11/92—Feinstein for Senate .....	500
2/24/92—Clinton for President .....	300
4/1/92—Citizens for Joe Kennedy .....	500
8/1/92—Tom Lantos for Congress .....	100
5/20/92—Gloria Ochoa for Congress ....	500
8/1/92—English for Congress .....	100
8/1/92—Frankel for Congress .....	50
8/1/92—Mezvinisky for Congress .....	50
8/1/92—Margolis for Congress .....	100
9/7/92—Anita Perez Ferguson for Congress .....	100
9/14/92—Delores DaCosta for Congress ..	100
10/21/92—Democratic Senatorial Campaign Committee .....	5,000
11/10/93—Feinstein for Senate .....	1,000
2/2/94—Walter Capps for Congress .....	1,000
6/8/94—Walter Capps for Congress .....	1,000
9/28/94—Tom Andrews for Congress ....	1,000

3. Children and Spouses: Susan Gevirtz, Steven Gevirtz, Carrie Wicks, Kathy Frankel, Julie Warner, none.  
4. Parents: Julia Gevirtz—none, Sydney Gevirtz, deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Sally Shafon, Robert Shafon, 1990–1995, Jane Harmon, \$100.00. Joan M. Plaisted, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Joan M. Plaisted.

Post: Ambassador to the Republic of the Marshall Islands and to the Republic of Kiribati.

Contribution, amount, date, and donee:

1. Self, none.
  2. Spouse.
  3. Children and spouses names.
  4. Parents names, Lola M. Plaisted and Dr. Gerald A. Plaisted, none.
  5. Grandparents names, Mr. and Mrs. Olaf Plaisted, deceased, Mr. and Mrs. Edward Peters, deceased.
  6. Brothers and spouses names.
  7. Sisters and spouses names, Pamela Lynn Plaisted; none, Joy Dawn Plaisted, none.
- Jim Sasser, of Tennessee, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James R. Sasser.

Post: Ambassador to the People's Republic of China.

Contribution, amount, date, and donee:

1. Self, \$1,000, June 11, 1995, Kerry Committee; \$1,000, August 10, 1995, Clinton-Gore '95.
2. Spouse, Mary B. Sasser, none.
3. Children and Spouses names, James Gray Sasser, none, Elizabeth B. Sasser, none.
4. Parents names, Mary Nell Sasser, none, Joseph Ralph Sasser, deceased.
5. Grandparents names, deceased.
6. Brothers and spouses names, none.
7. Sisters and spouses names, Jo Sasser O'Brien and Dennis O'Brien, \$1000 (primary), \$1000 (general), July 11, 1994, Friends of Jim Sasser.

#### FRIENDS OF JIM SASSER CONTRIBUTIONS

Democratic Senatorial Campaign Committee, 5/3/90 .....	\$1,000
Tennessee Democratic Party, 6/12/90 ..	1,000
Hoosiers for Tim Roemer, 10/17/90 .....	1,000
Tennessee Democratic Party, 9/28/90 ..	500
Victory 90 Rhode Island, 10/29/90 .....	1,000
Tennessee Democratic Party, 6/1/91 ..	1,000
Citizens for Senator Wofford, 8/1/91 ..	1,000
Tennessee Democratic Party, 5/26/92 ..	1,000
Democratic Senatorial Campaign Committee, 10/20/92 .....	15,000
David Davis for Congress, 9/24/92 .....	1,000
Wyche Fowler for Senate, 11/18/92 .....	1,000
"Unity '92—Federal", 12/23/92 .....	1,000
Tennessee Democratic Party, 7/2/93 ..	1,000
Tennessee Democratic Party, 10/94 ....	60,750
Tennessee Democratic Party, 8/26/94 ..	1,000
Tennessee Democratic Party, 9/21/94 ..	850

#### LEADERSHIP FOR THE FUTURE CONTRIBUTIONS

Lieberman '94, 8/28/94 .....	\$1,000
Oberly for Senate, 7/28/94 .....	1,000
Friends of Tom Andrews, 7/28/94 .....	1,000
Jack Mudd for U.S. Senate, 7/28/94 ....	1,000
Moynihah Committee, 7/28/94 .....	1,000
Sullivan for Senate, 8/3/94 .....	1,000
Lautenberg Committee, 7/15/94 .....	1,000
A Lot of People Who Support Jeff Bingham, 7/15/94 .....	1,000
Ann Wynia for U.S. Senate, 7/15/94 .....	1,000
Ann Wynia for U.S. Senate, 7/28/94 ....	1,000
Democratic Senatorial Campaign Committee, 7/28/94 .....	5,000
McCurdy for Senate, 8/4/94 .....	1,000
Citizens for Sarbanes, 8/22/94 .....	2,000
Oberly for Senate, 8/25/94 .....	1,000
Friends of Jim Cooper, 9/15/94 .....	1,000
Tennessee Democratic Party, 9/15/94 ....	5,000
Congressman Bart Gordon Committee, 9/15/94 .....	1,000
Harold Byrd for Congress, 9/19/94 .....	1,000
Jeff Whorley for Congress, 9/19/94 .....	1,000
McCurdy for Senate, 9/27/94 .....	1,000
Sims for Senate, 10/6/94 .....	1,000
Coppersmith for Senate, 10/6/94 .....	1,000
Randy Buttons for Congress, 10/21/94 ..	1,000
Dianne Feinstein for Senate, 10/27/94 ..	1,000
Campaign 94—Federal Account, 10/28/94 .....	5,000
Wyoming Co-Ordinated Party, 11/3/94 ..	1,000
New Mexico Democratic Party, 11/3/94 ..	2,000
Sullivan for Senate, 11/3/94 .....	1,000
Montana Democratic Party, 11/3/94 ....	3,000
Oklahoma Democratic Party, 11/3/94 ....	3,000
National Council for Senior Citizens, 11/3/94 .....	5,000

David P. Rawson, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: David P. Rawson.

Post: Bamako, Republic of Mali.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses names, Christina Rawson, none, David J. Rawson, none.
4. Parents names, Amos P. Rawson, none, Lola M. Rawson, deceased.
5. Grandparents names, Edward and Helen Rawson, deceased, Howard and Mary Moore, deceased.
6. Brothers and spouses names, Edward and Joan Rawson, none. Perry and Carol Rawson, \$25, summer of '92, to a candidate for Democratic primary election in Oregon to the US Senate; he cannot recall the candidate's name.
7. Sisters and spouses names, none.

Gerald Wesley Scott of Oklahoma, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gerald Wesley Scott.

Post: Banjul, The Gambia.

Contributions, amount, date and donee:

1. Self, amounts of \$150, February 1991, March 1992, October 1992, December 1994 and of \$100, August 1992 and March 1994, All to the Republican National Committee.
2. Spouse, Frances H. Scott, none.
3. Children and spouses names: Charles Alan Scott and Michael Tacon Scott, both are minors, unmarried and have made no contributions.

4. Parents names, Charles Wesley Scott (deceased) and Dorothy Scott, no contributions made.

5. Grandparents names, William and Georgia Scott; Henry and Mary Heidlage, All deceased for over fifteen years.

6. Brothers and spouses names, Charles Michael Scott and Susan Scott, \$50 on July 15, 1994 to the Rob Johnson for Congress campaign.

7. Sisters and spouses names, Joan Tucker and Lyndell Tucker, \$20 on January 24, 1995 and March 27, 1995 to the Republican Nat. Committee.

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ralph R. Johnson.

Post: Slovak Republic.

Contributions, Amount, Date, and Donee:

1. Self: Ralph Johnson, none.
2. Spouse: Ann Johnson, none.
3. Children and Spouses: Names: David and Timothy Johnson, none.
4. Parents: Names: Ralph W. Johnson, deceased and Margaret Johnson, deceased.
5. Grandparents: Names: Deceased.
6. Brothers and Spouses: Names: Thomas and Pat Johnson, \$180, 1992, Clinton for President (\$30), Clinton/Gore Compliance Fund (\$150), \$50, 1994, Ron Sims for Senate; and \$50, 1995, Clinton/Gore 1996 Parkway.



## 7. Sisters and Spouses: Names: none.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert E. Gribbin III.

Post: Rwanda.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Names: Matt and Mark, none.
4. Parents: Names: Elsie and Emmet Gribbin, none.
5. Grandparents: Names: Deceased.
6. Brothers and Spouses: Names: Joe and Jane Gribbin, none and Scott and Paula Gribbin, none.
7. Sisters and Spouses: Names: Alice and Newt Allen, none and Millie and John Tucker, none.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of September 5, September 22, and October 31, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 5, 22, and October 31, 1995, at the end of the Senate proceedings.)

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

ROBERT L. GELBARD, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

EDWARD GORDON ABINGTON, JR., OF FLORIDA  
 RICHARD A. BOUCHER, OF MARYLAND  
 WILLIAM D. CLARKE, OF MARYLAND  
 RUST M. DEMING, OF THE DISTRICT OF COLUMBIA  
 DONALD WILLIS KEYSER, OF VIRGINIA  
 RUSSELL F. KING, OF CALIFORNIA  
 DANIEL CHARLES KURTZER, OF FLORIDA  
 JOHN MEDEIROS, OF NEW YORK  
 BERNARD C. MEYER, M.D., OF FLORIDA  
 BRUCE T. MULLER, M.D., OF MICHIGAN  
 RONALD E. NEUMANN, OF VIRGINIA  
 RUDOLF VILEM PERINA, OF CALIFORNIA  
 ROBIN LYNN RAPHEL, OF WASHINGTON  
 SIDNEY V. REEVES, OF TEXAS  
 CHARLES PARKER RIES, OF TEXAS  
 NANCY H. SAMBAIEW, OF TEXAS  
 RICHARD J. SHINNICK, OF NEW YORK  
 C. DAVID WELCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARSHA E. BARNES, OF KENTUCKY  
 MARK M. BOULWARE, OF TEXAS

JACQUELYN OWENS BRIGGS, OF MICHIGAN  
 WILLIAM RIVINGTON BROWNFIELD, OF TEXAS  
 STEVEN A. BROWNING, OF TEXAS  
 R. NICHOLAS BURNS, OF NEW HAMPSHIRE  
 JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY  
 RICHARD A. CHRISTENSON, OF WISCONSIN  
 GENE BURL CHRISTY, OF TEXAS  
 JOHN ALBERT CLOUD, JR., OF VIRGINIA  
 ROGER J. DALEY, OF NEW YORK  
 ROBERT EMMETT DOWNEY, OF NEW JERSEY  
 JAMES J. EHRLMAN, OF WISCONSIN  
 DANIEL TED FANTOZZI, OF VIRGINIA  
 MICHAEL F. GALLAGHER, OF PENNSYLVANIA  
 BRUCE N. GRAY, OF CALIFORNIA  
 JON GUNDERSEN, OF NEW YORK  
 DOUGLAS ALAN HARTWICK, OF WASHINGTON  
 CAROLEE HEILEMAN, OF NEBRASKA  
 CHRISTOPHER ROBERT HILL, OF RHODE ISLAND  
 SUSAN S. JACOBS, OF MICHIGAN  
 RICHELLE KELLER, OF SOUTH CAROLINA  
 LAURA-ELIZABETH KENNEDY, OF VIRGINIA  
 JOHN W. LIMBERT, OF VERMONT  
 WAYNE K. LOGSDON, OF WASHINGTON  
 THOMAS A. LYNCH, JR., OF VIRGINIA  
 FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA  
 MICHAEL E. MALINOWSKI, OF ILLINOIS  
 S. AHMED MEER, OF MARYLAND  
 MICHAEL D. METELITIS, OF CALIFORNIA  
 DAVID FRANCIS ROGUS, OF NEW YORK  
 VLADIMIR PETER SAMBAIEW, OF TEXAS  
 BRENDA BROWN SCHOONOVER, OF CALIFORNIA  
 DEBORAH RUTH SCHWARTZ, OF MARYLAND  
 CHARLES S. SHAPIRO, OF GEORGIA  
 CATHERINE MUNNELL SMITH, OF CONNECTICUT  
 JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA  
 JAMES WEBB SWIGERT, OF VERMONT  
 GRETCHEN GERWE WELCH, OF CALIFORNIA  
 STEVEN J. WHITE, OF FLORIDA  
 NICHOLAS M. WILLIAMS, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARNOLD JACKSON CRODDY, JR., OF MARYLAND  
 SCOTT MARK KENNEDY, M.D., OF CALIFORNIA  
 FREDERICK M. KRUG, OF NEW JERSEY  
 THOMAS LAWMAN LUCAS, M.D., OF FLORIDA  
 ERIC RALPH RIES, OF FLORIDA  
 JAMIE SUAREZ, M.D., OF LOUISIANA  
 JAMES VANDERHOFF, OF TEXAS  
 JOHN G. WILLIAMS JR., M.D., OF MAINE  
 SANDRA L. WILLIAMS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HERewith:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## AGENCY FOR INTERNATIONAL DEVELOPMENT

PAULA O. GODDARD, OF VIRGINIA

## DEPARTMENT OF COMMERCE

PETER BOHEN, OF PUERTO RICO

## DEPARTMENT OF STATE

ROBERT E. DAVIS, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## DEPARTMENT OF COMMERCE

MARGARET CORKERY, OF THE DISTRICT OF COLUMBIA  
 RICHARD REED, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## DEPARTMENT OF STATE

OLA CRISS, OF VIRGINIA  
 PAUL PETER POMETTO II, OF THE DISTRICT OF COLUMBIA  
 JOYCE VESTA SEWNAH, OF MARYLAND  
 ROSA MARIA WHITAKER, OF THE DISTRICT OF COLUMBIA  
 TERENCE K.H. WONG, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

## DEPARTMENT OF STATE

GEORGE WILLIAM ALDRIDGE, OF TEXAS  
 CAROLYN P. ALSUP, OF FLORIDA  
 DOUGLAS J. APOSTOL, OF VIRGINIA  
 CONSTANCE C. ARVIS, OF CALIFORNIA  
 ANTONIA JOY BARRY, OF PENNSYLVANIA  
 PAMELA MARIE BATES, OF OHIO  
 VIRGINIA LYNN BENNETT, OF GEORGIA  
 MARK W. BOCCHETTI, OF MISSOURI  
 STEVEN C. BONDY, OF FLORIDA  
 DAVID W. BOYLE, OF VIRGINIA  
 SANDRA HAMILTON BRITO, OF ARIZONA  
 NATALIE EUGENIA BROWN, OF VIRGINIA

ANGIE BRYAN, OF TEXAS  
 JENNIFER LEE CATHCART, OF OHIO  
 PATRICK LIANG CHOW, OF NEW YORK  
 MARK DANIEL CLARK, OF ARIZONA  
 DAVID C. CONNELL, OF THE DISTRICT OF COLUMBIA  
 GENE CRAIG COOMBS, OF NORTH CAROLINA  
 ANDREW DAVID CRAFT, OF IOWA  
 KATHLEEN L. CUNNINGHAM, OF IOWA  
 CHRISTIAN R. DE ANGELIS, OF NEW JERSEY  
 MATTHEW BEDFORD DEVER, OF THE DISTRICT OF COLUMBIA  
 PUSHPINDER S. DHILLON, OF OREGON  
 WILLIAM D. DOUGLASS, OF NEVADA

## FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ROBERT L. GELBARD, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

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THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

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 JAMIE SUAREZ, M.D., OF LOUISIANA  
 JAMES VANDERHOFF, OF TEXAS  
 JOHN G. WILLIAMS JR., M.D., OF MAINE  
 SANDRA L. WILLIAMS, OF MARYLAND  
 WILLIAM HUIE DUNCAN, OF TEXAS  
 MAEVE SIOBHAN DWYER, OF MARYLAND  
 CARI ENAV, OF NEW YORK

STEPHANIE KAY ESHELMAN, OF THE DISTRICT OF COLUMBIA  
 MICHELLE MARIE ESPERDY, OF PENNSYLVANIA  
 JANICE RUTH FAIR, OF TEXAS  
 MOLLY FAYEN, OF ARIZONA  
 PAUL STEVEN FOLDI, OF DELAWARE  
 ELEANORE M. FOX, OF CALIFORNIA  
 MARK EDWARD FRY, OF MICHIGAN  
 GREGORY D.S. FUKUTOMI, OF CALIFORNIA  
 MEGAN MARIE GAAL, OF CALIFORNIA  
 RICHARD B. GAFFIN III, OF ARIZONA  
 KATHRYN SCHMICH GELNER, OF MISSOURI  
 BONNIE GLICK, OF ILLINOIS  
 REBECCA ELIZA GONZALES, OF TEXAS  
 FORREST J. GOULD, OF NEW HAMPSHIRE  
 TRACY ALAN HALL, OF NORTH CAROLINA  
 DAVID E. HANZLIK, OF ILLINOIS  
 PETER K. HARDING, OF MASSACHUSETTS  
 JOHN PETER HIGGINS, OF MINNESOTA  
 MARK T. HILL, OF SOUTH DAKOTA  
 DAVID ANDREW HODGE, OF TEXAS  
 MICHAEL W. HOFF, OF CALIFORNIA  
 EVANT T. HOUGH, OF FLORIDA  
 JEREMIAH H. HOWARD, OF NEW JERSEY  
 STEPHEN A. HUBLER, OF PENNSYLVANIA  
 AUDREY BONITA HUON-DUMENTAT, OF ILLINOIS  
 ANDREW GRISWOLD HYDE, OF CALIFORNIA  
 COLLEEN ELIZABETH HYLAND, OF NEW HAMPSHIRE  
 ANN LANG IRVINE, OF MARYLAND  
 OLIVER BRAINARD JOHN, OF VIRGINIA  
 EDWARD B. JOHNS, JR., OF PENNSYLVANIA  
 JILL JOHNSON, OF CALIFORNIA  
 MARGARET FRANCES JUDY, OF OREGON  
 JOHNNY LINUS JUNK, OF FLORIDA  
 CHRISTOPHER KAVANAGH, OF ILLINOIS  
 ERIC RANDALL KETTNER, OF CALIFORNIA  
 MARC DANIEL KOEHLER, OF CALIFORNIA  
 GREGORY F. LAWLESS, OF CALIFORNIA  
 JILL CATHERINE LUNDY, OF VIRGINIA  
 PAUL RAMSEY MALIK, OF CALIFORNIA  
 CAROLINE BRADLEY MANGELS DORF, OF CALIFORNIA  
 MARYANNE THERESE MASTERSON, OF VIRGINIA  
 CARYN R. MCCLELLAND, OF CALIFORNIA  
 RICHARD MARSHALL MCCRENSKY, OF VIRGINIA  
 JANE S. WILSON MESSENGER, OF VIRGINIA  
 DAVID SLAYTON MEALE, OF VIRGINIA  
 KIN WAH MOY, OF MINNESOTA  
 ANN G. O'BARR-BREEDLOVE, OF GEORGIA  
 JULIE ANNE O'REAGAN, OF TEXAS  
 LESLIE MARIE PADILLA, OF NEW MEXICO  
 JAMES M. PEREZ, OF FLORIDA  
 MIRA PIPLANI, OF VIRGINIA  
 SARA ELLEN POTTER, OF VERMONT  
 DAVID J. RANZ, OF NEW YORK  
 JOHN THOMAS RATH, OF TEXAS  
 CHRISTOPHER E. RICH, OF MARYLAND  
 SCOTT LAIRD ROLSTON, OF FLORIDA  
 J. BRINTON ROWDYBUSH, OF OHIO  
 SUSAN LAURA RUFFO, OF WASHINGTON  
 JULIE RUTERBORIES, OF TEXAS  
 MICHAEL D. SCANLAN, OF PENNSYLVANIA  
 JOHN PAUL SCHUTTE, OF NEBRASKA  
 DAVID L. SCOTT, OF TEXAS  
 STEPHEN M. SCHWARTZ, OF NEW YORK  
 JANET DAWN SHANNON, OF WASHINGTON  
 CECILE SHEA, OF NEVADA  
 GRACE WHITAKER SHELTON, OF GEORGIA  
 KENT C. SHIGETOMI, OF WASHINGTON  
 ROBERT SILBERSTEIN, OF VIRGINIA  
 CHARLES SKIPWITH SMITH, OF WASHINGTON  
 MARTIN HENRY STEINER, OF CALIFORNIA  
 MARGARET L. TAMS, OF COLORADO  
 JOHN STEPHEN TAVENNER, OF TEXAS  
 LISA L. TEPPER, OF COLORADO  
 BRIAN THOMAS WALCH, OF NEW JERSEY  
 JAMES MICHAEL WALLER, OF MISSOURI  
 ROBERT WARD, OF VIRGINIA  
 JAN LIAM WASLEY, OF NEW JERSEY  
 MYLES E. WEBER, OF MINNESOTA  
 DAVID J. WHIDDON, OF GEORGIA  
 ERIC PAUL WHITAKER, OF CALIFORNIA  
 LYNN M. WHITLOCK, OF PENNSYLVANIA  
 JOHN KING WHITTLESEY, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JORGAN K. ANDREWS, OF COLORADO  
 ROBERT D. BANNERMAN, OF MARYLAND  
 ERIC BARBORIAK, OF WISCONSIN  
 AMBER M. BASKETTE, OF FLORIDA  
 KEREM SERDAR RILGE, OF CALIFORNIA  
 KAREN M. BLACK, OF NEW YORK  
 BERYL C. BLECHER, OF MARYLAND  
 IAN P. CAMPBELL, OF CALIFORNIA  
 THEODORE R. COLEY, OF PENNSYLVANIA  
 J.A. DIFFILY, OF CALIFORNIA  
 PETER T. ECKSTROM, OF MINNESOTA  
 MATTHEW A. FINSTON, OF ILLINOIS  
 CALLI FULLER, OF TEXAS  
 CLEMENT R. GAGNE, III, OF MARYLAND  
 GORY A. GENNARO, OF VIRGINIA  
 HENRY GRADY GATLIN, III, OF FLORIDA  
 BINH D. HARDESTY, OF VIRGINIA  
 J. MARINDA HARPOLE, OF THE DISTRICT OF COLUMBIA  
 KATHARINE MCCALLIE COCHRANE HART, OF VIRGINIA  
 MARGARET R. HORAN, OF THE DISTRICT OF COLUMBIA  
 M. ALLISON INSLEY, OF GEORGIA

PAM R. JENOFF, OF NEW JERSEY  
 JAN LEVIN, OF NEW YORK  
 ERVIN JOSE MASSINGA, OF WASHINGTON  
 IAN JOSEPH MCCARY, OF NEW YORK  
 MICHAEL L. MCGEE, OF ALABAMA  
 JANICE C. MCHENRY, OF VIRGINIA  
 SHARON F. MUSSOMELI, OF VIRGINIA  
 ROBERT LOUIS NELSON, OF VIRGINIA  
 DAVID TIMOTHY NOBLES, OF CALIFORNIA  
 MICHELLE L. O'NEILL, OF THE DISTRICT OF COLUMBIA  
 CARLA PANCHECO, OF CALIFORNIA  
 DAVID WILLIAM PITTS, OF VIRGINIA  
 BRETT GEORGE POMAINVILLE, OF COLORADO  
 BRIAN B. RHEE, OF VIRGINIA  
 STEVEN C. RICE, OF WYOMING  
 ROBERT J. RILEY, OF WASHINGTON  
 PETER THORIN, OF WASHINGTON  
 HARRY L. TYNER, OF VIRGINIA  
 ROBERT A. WEBER, OF FLORIDA  
 ALAN CURTIS WONG, OF CALIFORNIA  
 ROBERT EUGENE WONG, OF NEW YORK

THE FOLLOWING-NAMED INDIVIDUAL FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

#### DEPARTMENT OF STATE

MICHAEL RANNEBERGER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CAROL A. PEASLEY, OF CALIFORNIA  
 CHARLES F. WEDEN, JR., OF VIRGINIA  
 JOHN R. WESTLEY, OF THE DISTRICT OF COLUMBIA  
 AARON S. WILLIAMS, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KEITH E. BROWN, OF VIRGINIA  
 MYRON GOLDEN, OF OHIO  
 JOSEPH B. GOODWIN, OF MISSOURI  
 WILLIAM T. OLIVER, JR., OF VIRGINIA  
 CYNTHIA F. ROZELL, OF CALIFORNIA  
 BARBARA P. SANDOVAL, OF VIRGINIA  
 KENNETH G. SCHOFIELD, OF THE DISTRICT OF COLUMBIA  
 WILBUR G. THOMAS, OF OKLAHOMA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ANNE H. AARNES, OF WASHINGTON  
 GLENN E. ANDERS, OF FLORIDA  
 GRANT WILLIAM ANDERSON, OF THE DISTRICT OF COLUMBIA  
 LILIANA AYALDE, OF MARYLAND  
 PATRICIA K. BUCKLES, OF FLORIDA  
 JONATHAN M. CONLY, OF PENNSYLVANIA  
 J. MICHAEL DEAL, OF CALIFORNIA  
 DIRK WILLEM DIJKERMAN, OF NEW YORK  
 KENNETH C. ELLIS, OF VIRGINIA  
 PAULA FEENEY, OF WEST VIRGINIA  
 LINDA RAE GREGORY, OF FLORIDA  
 TOBY L. JARMAN, OF VIRGINIA  
 EDWARD L. KADUNC, OF FLORIDA  
 DONALD G. KEENE, OF CALIFORNIA  
 GAIL M. LECE, OF VIRGINIA  
 MARY L. LEWELLEN, OF NEVADA  
 LEWIS W. LUCKE, OF TEXAS  
 DONALD R. MACKENZIE, OF FLORIDA  
 TIMOTHY M. MAHONEY, OF VIRGINIA  
 LAURIER D. MAILLOUX, OF THE DISTRICT OF COLUMBIA  
 DESAIX B. MYERS III, OF CALIFORNIA  
 WALTER E. NORTH, OF WASHINGTON  
 THOMAS E. PARK, OF THE DISTRICT OF COLUMBIA  
 DONALD L. PRESSLEY, OF VIRGINIA  
 EMMY B. SIMMONS, OF VIRGINIA  
 MARCUS L. STEVENSON, OF MARYLAND  
 KAREN D. TURNER, OF THE DISTRICT OF COLUMBIA  
 RONALD E. ULLRICH, OF VIRGINIA  
 ALAN E. VAN EGMOND, OF MARYLAND

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SARAH S. OLDS, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRY LEE BARRETT, OF CALIFORNIA

CAROL E. CARPENTER-YARMAN, OF CALIFORNIA  
 JOHN R. MORGAN, OF TENNESSEE  
 DOUGLAS WYLIE PALMER, OF WASHINGTON  
 WILLIAM R. PARISH III, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

PETER H. DELP, OF CALIFORNIA  
 MARGARET LORRAINE DULA, OF CALIFORNIA  
 TAMARA ANN FILLINGER, OF CALIFORNIA  
 NANCY J. LAWTON, OF VIRGINIA  
 MICHAEL E. SARHAN, OF ARKANSAS  
 MARY EDITH SCOVELL, OF VIRGINIA  
 DEE ANN SMITH, OF VIRGINIA  
 JAMES E. VERMILLION, OF FLORIDA  
 MICHAEL F. WALSH, OF PENNSYLVANIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF STATE

ELLIS MERRILL WALKER ESTES, OF CALIFORNIA  
 ALONZO SIBERT, OF THE DISTRICT OF COLUMBIA

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

EMMANUEL BRUCE-ATTACH, OF TENNESSEE  
 JOSEPH L. DORSEY, OF TEXAS  
 STEVEN KENNETH DOSH, OF MARIANA ISLANDS  
 MARSHALL W. HENDERSON, OF CALIFORNIA  
 MARYANNE HOIRUP-BACOLOD, OF CALIFORNIA  
 EDITH I. HOUSTON, OF TEXAS  
 CYNTHIA J. JUDGE, OF OREGON  
 CEOPUS KENNEDY, OF ALABAMA  
 JEFFREY RANDALL LEE, OF VIRGINIA  
 RAYMOND L. LEWMAN, OF WASHINGTON  
 JENNIFER NOTKIN, OF MASSACHUSETTS  
 DIANE L. RAWL, OF VIRGINIA

#### DEPARTMENT OF AGRICULTURE

DAVID W. COTTRELL, OF FLORIDA

#### UNITED STATES INFORMATION AGENCY

MYUNGSOO MAX KWAK, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF STATE

SENECA ELIZABETH JOHNSON, OF IDAHO  
 LAWRENCE J. KAY, OF IOWA  
 W. HOWIE MUIR, OF CONNECTICUT

#### UNITED STATES INFORMATION AGENCY

JOSEPH A. BOOKBINDER, OF NEW YORK  
 JAMES GREGORY CHRISTIANSEN, OF VIRGINIA  
 JENNIFER L. DENIARD, OF MARYLAND  
 KATHERINE HOWARD, OF MICHIGAN  
 MAURA MARGARET KENISTON, OF NEW YORK  
 JOSEPH PATRICK KRUCIUS, OF OREGON  
 PHILIP THOMAS REEKER, OF NEW YORK  
 MICHAEL WILLIAM STANTON, OF VIRGINIA  
 RODNEY MATTHEW THOMAS, OF RHODE ISLAND  
 MARK TONER, OF PENNSYLVANIA  
 DALE EDWARD WEST, OF TEXAS  
 KATHERINE L. WOOD, OF VIRGINIA  
 JULIET WURR, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SERGE M. ALEKSANDROV, OF MARYLAND  
 LORI H. ALVORD, OF WISCONSIN  
 CHARLES S. BAXTER, OF VIRGINIA  
 DAVID A. BLOCK, OF VIRGINIA  
 CHESTER WINSTON BOWIE, OF MARYLAND  
 STEPHEN CRAIG BRADLEY, OF VIRGINIA  
 KIP ANDREW BRAILEY, OF VIRGINIA  
 STEPHANIE LYNN BRITT, OF VIRGINIA  
 MARC R. CARDWELL, OF VIRGINIA  
 THEODORE D. CARLSON, OF VIRGINIA  
 STACEY T. COSTLEY, OF MARYLAND  
 JONATHAN S. DALBY, OF VIRGINIA  
 DOLLIE N. DAVIS, OF MARYLAND  
 HELEN DAVIS-DELANEY, OF MARYLAND  
 CLAUDIA N. DEVERALL, OF VIRGINIA  
 PAUL R. FELDTMOSE, OF MARYLAND  
 KERRY L. GAFNEY, OF VIRGINIA  
 MARC T. GALKIN, OF VIRGINIA  
 FELIX GONZALEZ, OF VIRGINIA  
 DAMIAN THOMAS GULLO, OF VIRGINIA  
 BRUCE R. HARRIS, JR., OF VIRGINIA  
 ANGE BELLE HASSINGER, OF THE DISTRICT OF COLUMBIA  
 MARGARET H. HENOCK, OF THE DISTRICT OF COLUMBIA  
 ROBERT DOUGLAS JENKINS, OF VIRGINIA  
 RICHARD HILL JOHNSON, OF VIRGINIA  
 KEITH PATRICK KELLY, OF MICHIGAN  
 DAVID P. LAWLOR, OF VIRGINIA  
 STEVEN JON LEVAN, OF VIRGINIA



KEVIN G. LEW, OF VIRGINIA  
 ALAN LONG, OF VIRGINIA  
 SHARON ANN LUNDAHL, OF VIRGINIA  
 DEAN PETERSON, OF SOUTH DAKOTA  
 MICHAEL H. RAMSEY, OF VIRGINIA  
 E. ELIZABETH SALLIES, OF THE DISTRICT OF COLUMBIA  
 LINDA M. SIPPRELLE, OF VIRGINIA  
 RODNEY D. SMITH, OF VIRGINIA  
 HARRY L. TYNER, OF VIRGINIA

(THE ABOVE NOMINATIONS WERE REPORTED WITH THE RECOMMENDATION THAT THEY BE CONFIRMED, SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 1468. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mrs. FEINSTEIN):

S. 1469. A bill to extend the United States-Israel free trade agreement to the West Bank and Gaza Strip; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. ROTH, and Mr. DOLE):

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1468. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes, to the Committee on Agriculture, Nutrition, and Forestry.

### THE HEFLIN-ROSE PEANUT IMPROVEMENT ACT OF 1995

• Mr. HEFLIN. Mr. President, I introduce the Hefflin-Rose Peanut Program Improvement Act of 1995.

Auburn University recently released a study based on the same economic impact model employed by the Base Closure and Realignment Commission to determine the effects of various proposals that were being considered before the Lugar-Army peanut program compromise was reached and made part of the Roberts farm bill, which is part of the budget reconciliation bill. Using

the figures and calculations of the Auburn report, the Lugar-Army compromise would result in an industry-wide, negative economic impact totaling \$375 million and will cause the loss of 5,400 jobs throughout the peanut industry.

While the Lugar-Army compromise is touted as an effort to achieve a no-net-cost program, in reality it will cost taxpayers \$60 million over 7 years. As a matter of fact, the Lugar-Army compromise actually kills the program over 7 years, encourages peanut imports, and cuts peanut farmer income by nearly 30 percent.

Congressman CHARLIE ROSE and I have worked on a peanut program which we feel is a much better bill. This proposal guarantees a no-net-cost program saves some \$43 million above what the Lugar-Army compromise saved. Our cost savings come from making foreign importers of peanuts pay the same assessments that U.S. peanut farmers have to pay and uses this money to offset the cost of the peanut program. In addition, to imposing assessments on importers, our proposal directs that the NAFTA and GATT revenue derived from imported peanuts go toward paying for the peanut program rather than reducing farmer income.

The Hefflin-Rose peanut program refrains from reducing farmer income by cutting the loan rate, and therefore, maintains the current law loan rate for quota and additional peanuts. Unlike the Lugar-Army peanut program, which would allow unlimited cross-country transfers, the Hefflin-Rose bill also measure infrastructure stability by permitting only limited transfers across county lines.

Furthermore, our legislation addresses health and food safety concerns due to the increased level of imports resulting from GATT and NAFTA. The American peanut farmer is held to the highest safety and inspection levels of any domestically-produced commodity. To not require at least an equivalent level of protection from foreign-grown peanuts jeopardizes American consumers.

For example, the Hefflin-Rose bill requires that foreign-grown peanuts be inspected to determine whether or not they were produced with pesticides and other chemicals banned for use in this country. This legislation applies the same standards for quality, freedom from aflatoxin and procedures for the inspection and entry of imported peanuts that currently apply to domestically-produced peanuts under Marketing Agreement No. 146.

Peanut farmers strongly support achieving a no-net-cost peanut program. However, this goal can be achieved without slashing farmer income and with consideration to the economic costs on the communities that work and depend on the produc-

tion of peanuts. If the Republicans are serious about deficit reduction, then this is a plan that saves a significant amount above their proposal, ensures a no-net-cost peanut program, and preserves farmer income while safeguarding American consumers with food safety provisions for imported peanuts and peanut products. •

By Mr. MCCAIN (for himself, Mr. ROTH, and Mr. DOLE)

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

### THE SENIOR CITIZENS FREEDOM TO WORK ACT OF 1995

• Mr. ROTH. Mr. President, today, with Senator MCCAIN, I am introducing the Senior Citizens' Freedom to Work Act. This bill raises the Social Security earnings limit for workers age 65 to 69 to \$30,000 by the year 2002. I am happy to say that this increase in the earnings limit is fully paid for over the 7-year period. In addition, this bill will protect the Social Security trust fund from disinvestment or underinvestment by the Secretary of the Treasury or any other Federal officials.

Under current law, seniors in this age group, who earn more than \$11,280 this year, are penalized by forfeiting \$1 for every \$3 they earn over that limit. When coupled with other Federal taxes, these workers who earn above this \$11,280 mark face a 56-percent marginal tax rate.

As I have often said, this is not fair. The earnings penalty sends a message to senior citizens that we no longer value their experience and expertise in the work force. I am happy to introduce this legislation that will provide equity to these hard-working seniors.

I must note that a large part of the credit for this legislation in the Senate is due to the efforts of the senior Senator from Arizona, Senator JOHN MCCAIN, who has tirelessly championed this cause. I thank him for his work on this issue. •

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

### THE FEDERAL TORT CLAIMS ACT MALPRACTICE COVERAGE FOR HEALTH CENTERS EXTENSION ACT OF 1995

Mr. HATCH. Mr. President, today Senator KENNEDY and I are pleased to introduce S. 1471, the Federal Tort Claims Act Malpractice Coverage for Health Centers Extension Act of 1995. Our bill will make permanent an exemption in current law that provides medical malpractice coverage under

the Federal Tort Claims Act [FTCA] to federally funded community health center personnel.

The current law is due to expire on December 31, necessitating speedy consideration of this legislation in the Congress.

I am pleased to announce that the House passed this afternoon a similar bill, H.R. 1747, authored by my good friend from Connecticut, Representative NANCY JOHNSON and I am hopeful the Senate can take up the Johnson bill forthwith.

A brief recitation of the legislative history on this issue may be useful to my colleagues at this point.

In 1992, Senator KENNEDY and I worked with our colleagues in the House to treat community health center [CHC] physicians, nurses, and other personnel as Federal employees under the FTCA for the purpose of defending against malpractice claims.

Substituting the FTCA remedy for private lawsuits relieves CHC's from devoting their limited program funds to purchase costly private malpractice insurance. Purchase of such insurance had proven an extremely costly burden to the centers, which, I believe, have been doing a marvelous job in providing excellent care in underserved areas on what amounts to a shoestring budget.

The Federal Tort Claims Act, which falls under the jurisdiction of the Judiciary Committee, stipulates strict procedural requirements for the consideration of claims. For example, it does not provide for jury trials or the award of punitive damages. These streamlined procedures act to reduce the number of, and costs associated with, tort claims.

By reducing insurance costs, the more than 500 community and migrant health centers can provide more direct medical services to the 5 million Americans who rely on these centers for their primary health care needs.

In the initial 3 years of our experience under the FTCA, it is encouraging to find that all experience suggests that health centers have a lower incidence of malpractice claims than comparable private insurance providers.

Through fiscal year 1995, it has been estimated that only 15 claims have been filed nationwide against the 119 participating health centers. Thus far, no funds have been required to be paid out under the statute to satisfy claims. In fact, the Department of Health and Human Services estimates that the 1992 law has saved over \$14.3 million to date. This is consistent with the 1992 House Judiciary Committee report on this topic which noted that the savings from the law would far exceed the costs of coverage.

I want to take a moment to discuss the history of this legislation in the 104th Congress.

As I noted earlier, the House passed a similar bill today under suspension of the rules.

The version reported from the House Commerce Committee on September 27 was very similar to the approach that Senator KENNEDY and I were developing. However, that bill recommended a 3-year extension whereas we believed a permanent extension was warranted.

Ultimately, through discussions with our House colleagues, we were able to reach an agreement and the bill that passed the House today makes the FTCA coverage for CHC's permanent.

The bill that passed the House today also differs from our approach in two other areas.

First, I understand that the House bill makes explicit that centers are not required to operate under the FTCA aegis. In other words, centers are free to purchase insurance on their own if they so desire. I believe this is appropriate, and have no objection to this provision. It clearly was our intent in drafting S. 1471.

Second, in order to address concerns that our claims experience may be too limited in the first 3 years of operation to predict the adequacy of future reserves, we have provided for a General Accounting Office study of the medical liability risk exposure of centers. If—as seems unlikely based on the past experience and future expectations—unforeseen problems develop in this program, this issue can be revisited.

The House bill contains a GAO study provision which is much more detailed than that embodied in the bill we introduce today. Again, I have no objection to the House alternative.

Mr. President, in closing, I note that the administration is supportive of this legislation and of making the program permanent. According to a recent administration report in support of extending FTCA coverage: "Our experience to date \* \* \* is sufficiently positive that we believe that it is advisable to adopt FTCA coverage without a time limitation, rather than to continue to insert sunset provisions."

The legislation that Senator KENNEDY and I are introducing today will result in the delivery of more public health services to underserved areas throughout the country, whether these areas are urban or rural. It is no secret to my colleagues that I am a tremendous fan of the work that CHC's are doing, especially in Utah, and I think it behooves the Congress to give them this added tool to help improve health care services in areas in which access has traditionally suffered.

At the bottom line, the 1992 legislation achieved more public health bang-for-the-buck and should be made permanent.

It is important that a bill be acted upon in the near future to extend coverage so that centers will know whether or not they have to purchase private coverage for 1996. Therefore, I urge my colleagues to support a permanent extension of the legislation authorizing

Federal Tort Claims Act coverage of community health centers.

#### ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 901

At the request of Mr. BENNETT, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 901, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and re-use projects and desalination research and development projects, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1289

At the request of Mr. KYL, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 1360

At the request of Mr. LEAHY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25-percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1414

At the request of Mrs. HUTCHISON, the name of the Senator from Maine [Mr.



COHEN] was added as a cosponsor of S. 1414, a bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls.

S. 1429

At the request of Mr. DOMENICI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1429, a bill to provide clarification in the reimbursement to States for federally funded employees carrying out Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995.

## SENATE JOINT RESOLUTION 43

At the request of Mr. HELMS, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

## AMENDMENT NO. 3097

At the request of Mr. MCCONNELL the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Amendment No. 3097 proposed to Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, to conduct a markup of S. 1228, Iran Foreign Oil Sanctions Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, December 12, at 2:30 p.m., Hearing room (SD-406) on S. 776, the Atlantic Striped Bass Conservation Act Amendments of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Commit-

tee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, December 12, at 2:15 p.m. for a markup on the following agenda:

## NOMINATIONS

Donald S. Wasserman, to be member, Federal Labor Relations Board.

David Williams, to be Inspector General, Social Security Administration. (Sequential referral. Finance held its hearing on Thursday, November 30, and favorably reported the nominee out).

## LEGISLATION

S. 1224, the Administrative Disputes Resolution Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a markup on S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet the session of the Senate for a hearing on Tuesday, December 12, 1995, at 9:30 a.m., in room 428A of the Russell Senate Office Building, to conduct a hearing focusing on "Proposals to Strengthen the SBIC Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The

purpose of the hearing is to consider S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO TIM COUCH

• Mr. MCCONNELL. Mr. President, it is my pleasure to rise today to pay tribute to an outstanding Kentuckian and a record-breaking quarterback. Tim Couch ended his high school football career on a high note with a 1-yard touchdown pass during the state quarterfinals. Some may wonder what is so special about this play. Well, that pass will go down in the record books as the one that put the Leslie County High School quarterback over the top as the national all-time leader in touchdown passes. In 4 years, he has thrown an amazing 12,092 yards—an accomplishment that helped earn Tim honors as National High School Player of the Year.

Leslie County is located in the mountains of eastern Kentucky. The last time the national spotlight shone on the small town of Hyden was in 1978, when President Nixon made his first public appearance since his resignation. He was there to attend a dedication of a gym named in his honor. According to local newspapers, residents said it was an exciting day, because everyone in the nation knew about Hyden. And now history has repeated itself, but this time the spotlight is shining there because of the youth who's become known as "the pride of Hyden"—Tim Couch.

His final game as Leslie County High School quarterback was a memorable one in many ways. Besides breaking the passing record, Tim faced a consistent seven-man rush, he injured his right ankle trying to block an extra point, and he was sacked five times. But check out his numbers: he completed 17 of 34 passes for 223 yards and 2 touchdowns. After the record-breaking pass, the game came to a halt. Fans and the media stormed the field to ask Tim for autographs and interviews.

Fireworks lit up the night sky, and sirens and horns filled the air. And before the game resumed, Tim was handed the game ball. What a night!

Every time Tim took to the gridiron, the entire town of Hyden flocked to Eagle Field to watch the "Air Commander" throw another pass on his way to the record books. Sports Illustrated recently did a profile of the star quarterback. In the article, Tim said of his 374 fellow Hyden residents, "everybody around here is just so happy. They all want to see me go to the NFL and become a big star. It gives me a lot of pride, the way such a small place has rallied around one person."

If you think football is his only game, think again! Not only is Tim an award-winning quarterback, he is also one of the best high school basketball players in Kentucky. He led the state in scoring last season, with 36 points a game, and he is one of the front runners in the race for Kentucky's Mr. Basketball. No wonder he's being recruited by the top colleges in the Nation. However, it is my hope that this superstar decides to stay in the Bluegrass State and make one of Kentucky's fine universities his new home.

Mr. President and my fellow Members of Congress, please join me in congratulating the "Pride of Hyden." Tim Couch has an exciting career ahead of him, and I wish him good luck in the future. Mr. President, I also ask that an article from a recent edition of Sports Illustrated be printed in the RECORD.

The article follows:

#### PRIDE OF HYDEN

(By Steve Rushin)

Elbert Couch parks his white Ford Bronco next to another emblem of American infamy: the Richard M. Nixon Recreation Center in Hyden, Ky. "There's two kinds around here," Couch says. "There's Republicans, and there's Damn Democrats. I'm a Damn Democrat, but we're outnumbered four to one in this county."

This is Leslie County, in the mountains of eastern Kentucky's Cumberland Plateau. It was here, in 1978, that Nixon made his first postexile public appearance, for the dedication of a grand gymnasium that honors his presidency. "Everybody knew us because of Nixon," says Leslie County High School basketball coach Ron Stidham, standing on his home court inside the Tricky Dick. "But that notoriety aside, Tim Couch has made Hyden—well, if not a household name exactly, at least people know where we are again."

Tim Couch, Elbert's son, is the best high school basketball player in Kentucky. He led the state in scoring last season, with 36 points a game as a Leslie County High junior. He is expected to be named Mr. Basketball of the Bluegrass after this season, which is why most Division I basketball coaches want to upholster Couch in their school colors come 1996.

Trouble is, Tim is also the most highly sought after football recruit in the nation, one who almost certainly will break the national record for career passing yardage this Friday night in the state quarterfinals. He is 50 yards away from breaking the mark of

11,700 set two years ago by Josh Booty of Evangel Christian High in Shreveport, La., and Couch needs only five touchdown passes to break that national record as well. "Couch is the best quarterback prospect I've seen in 17 years," drools Tom Lemming, who publishes a national recruiting newsletter. "Better than Jeff George, Ron Powlus and Peyton Manning. He reminds recruiters of John Elway." ESPN draft nitwit Mel Kiper Jr. agrees and considers Tim, who is 6'5" and 215 pounds, one of the best pro quarterback prospects in the nation. And to think that Tim is just 18.

"Everybody around here is just so happy," Tim says of Hyden (pop. 375). "They all want to see me go to the NFL and become a big star. It gives me a lot of pride, the way such a small place has rallied around one person."

Through it all Tim has remained unfailingly polite, genuinely humble and undeniably charismatic. Everywhere one goes in Kentucky, people talk about the closely-cropped Couch. He's like Gump, with a pump fake. And there's another important difference: "He's an A-B student," says Leslie County High principal Omus Shepherd. "In fact, to see him in school, you wouldn't know he's an athlete, you wouldn't know him from any other student. I don't know of any problem we've ever had out of the boy."

The boy was excused from class one afternoon early in the football season when Governor Brereton Jones came to Hyden to make Tim an honorary Kentucky Colonel, one of the youngest recipients of the state's equivalent of knighthood. The next evening the colonel threw for three touchdowns and ran for two more in a 34-27 win at Woodford County High, after which several opponents wanted a piece of him. "I saw them coming at me and thought we were in a fight," says Tim. Instead, they wanted his autograph.

The next day Tim drove 124 miles to Lexington to watch the Kentucky-Louisville football game with his folks. En route, they stopped at a diner. Recently retired Los Angeles Laker center and former Kentucky star Sam Bowie approached Tim's table to say how much he has enjoyed following Tim's career. Emboldened, Adolph Rupp's grandson Chip, who also happened to be in the diner, did the same. After the game the Couches repaired to the Lexington home of Miami Heat guard and ex-Wildcat star Rex Chapman, who simply wanted to meet Tim.

"I told him he was my hero growing up," Tim says of Chapman. "I told him how I dreamed in the backyard about filling his shoes some day at Kentucky."

"Tim used to shoot baskets outside for hours in the winter, until his fingers were bleeding," says Tim's mother, Janice. "I always had to make him come in before he got frostbite."

Come summer, he would throw footballs all afternoon with his older—by four years—brother, Greg. Tim always pretended to be Joe Montana or Dan Marino. Now, Marino aspires to play with Couch. "I hope I'm still in the league when you get here," the Miami Dolphin quarterback told Couch when the two met in Cincinnati, where the Dolphins played the Bengals on Oct. 1.

Tim never played baseball. "He told me in ninth grade, 'Dad, I don't want to stand there and let them throw a ball 60 miles an hour at my head,'" recalls Elbert, who is director of transportation for the county school system. When Greg became the quarterback at Leslie County High, Tim attended practices. "In fifth and sixth grade he was throwing the ball like a rocket," says Eagle football coach Joe Beder, an assistant at the

time. "You knew then he would be the quarterback here."

Couch made the high school team as a seventh-grader, backed up his brother as an eighth-grader and became the starting quarterback as a freshman, when Greg went to play football at Eastern Kentucky (where, after redshirting one season, he's now a junior reserve). Tim points to the utility pole in the front yard of his family's comfortable two-story home. "When Greg went to college, I used to throw at that light pole," he says. "I'd take a five-steps drop and try to hit it as if it was a receiver on the run, 30 feet out." Then he would place two garbage cans next to each other and throw "little fade passes" over the first defending can and into the second. "There's not much else to do in Hyden," says Todd Crawford, a physician's assistant who works with the Leslie County team.

So the Hydenites watch Couch. County judge-executive Onzie Sizemore was a star high school quarterback in Hyden in the early 1970s. "Tim is the best athlete I've ever seen in Kentucky," says the judge, deliberating on Tim down at the county court and jailhouse. "He's the best thing that ever happened to Hyden. I just hope he doesn't run for county judge-executive, because then I'm out of a job."

They come from all over Kentucky to see Tim play. On Friday nights cars back up for a mile at the toll booth that guards the Hyden exit of the Daniel Boone Parkway. And when the Eagles play an away game, says Rick Hensley, whose son Ricky is Tim's favorite target, "last one outta town turns out the lights."

There is a sign outside of town that reads Hyden: Home of Osborne Bros. Stars of the Grand Ole Opry, the Osbornes wrote "Rocky Top," which is the football anthem at Tennessee, whose Volunteers are unanimously revered in Kentucky. When Tim engineered a season-opening 44-42 upset of Fort Thomas Highlands High in Lexington, he came home to find that benevolent vandals had altered the sign so it read Hyden: Home of Tim Couch.

This season Couch has thrown for nearly 3,500 yards and 37 touchdowns in 12 games. Clearly, his numbers are preposterous. Last year he completed 75.1% of his passes, a national record. Against Clark County High in the 1994 season opener, he completed 25 of 27 passes. Against Shelby Valley High this fall, he threw for 533 yards and seven scores and was pulled four minutes into the second half. Likewise, in October he played only one half against one of Kentucky's top-ranked teams, Hopkinsville, when the badly outmanned Eagles were bused seven hours each way and lost 61-0.

Even that defeat didn't cool the ardor of the Couch potatoes, as Hyden's residents have come to call themselves. As he drives home from football practice in his Mercury Cougar on an autumn Thursday, Couch waves like a parade marshal to every passing pedestrian, then enters his house and is handed the telephone. "Tennessee," says Janice, and Tim chats cordially with Volunteer football coach Phillip Fulmer. Bobby Bowden, Terry Bowden, Lou Holtz and Joe Paterno check in weekly as well.

There is enormous pressure on him to play football at Kentucky, and the Cats are on Couch like cats on a couch. Here is a front-page Lexington Herald-Leader headline: Couch To Watch UK Scrimmage. Kentucky basketball coach Rick Pitino met with Tim and promised him a spot on the basketball team if he sign to play football for the Wildcats. And Kentucky football coach Bill



Curry, although forbidden by the NCAA to talk about recruits, called him "the best high school prospect I've ever seen." Every Omus, Onzie and Elbert in Kentucky expects Tim to make the Cats an instant football power. "I may be crazy, but I believe Tim Couch is good enough to get this program back to the Sugar Bowl," writes columnist Dave Barker in *The Cats' Pause*, a Kentucky sports weekly. "Yes, that's right. From 1-10 to 10-1."

"Lord God, if Tim goes to UK they'll be namin' babies for him before he plays his first game," says Elbert's friend Vic DeSimone. "Every kid in Kentucky will wear a number 2 jersey." DeSimone—a candy manufacturer's rep who has dropped by Leslie County High to chat—furrows his brow before giving voice to every Kentuckian's darkest fear. "You wouldn't let him go to Tennessee, would you?" he asks Elbert. "I mean, the boy can go to Liberty Baptist and still become a pro."

"Have to take the Fifth Amendment on that one," says Elbert, who later concedes: "If Tim does go out of state, we'll have to move out of state."

Wherever Couch goes, if he plays basketball at all in college, it will be as an afterthought to football, and a great many disappointed people will be left in his wake. "It's hard for an 18-year-old kid to tell a coach whom he's grown up adoring that he isn't going to play for him," says Tim, who is still considering Auburn, Florida, Kentucky, Notre Dame, Ohio State and (sigh) Tennessee. "I'm thinking about it all the time," he says of his impending decision. "Even if I'm just lying in bed, it never leaves my mind."

He has made certain of that. Taped above the light switch in his bedroom is a two-sentence note from a football assistant at Northwestern. "Your talent is God's gift to you," it reads. "What you do with your talent is your gift back to God."

It is the last thing that Tim sees each night when he turns out the lights.

#### A TRIBUTE TO FRANK SINATRA ON HIS 80TH BIRTHDAY

• Mr. LAUTENBERG. Mr. President, I rise today to honor one of New Jersey's favorite sons, and one of America's great personalities who will be celebrating his 80th birthday today: Frank Sinatra. Mr. Sinatra hails from Hoboken, New Jersey, and we are proud to call him one of our own.

Mr. President, Frank Sinatra is one of the most recognized and revered artists in the world, admired not only for his unique style, but for his ability to reach people on a distinctly personal level. As a musician and actor, Mr. Sinatra has distinguished himself as one of the most notable figures in the history of entertainment.

For more than five decades, Frank Sinatra has charmed people all over the world with his exceptional, distinctive voice. He began his impressive career in New Jersey, when he won an amateur singing concert. A few years later, he was the featured vocalist with the bands of Harry James and Tommy Dorsey. It was not long before Mr. Sinatra began to embark on a solo career.

The sounds of Frank Sinatra played throughout the country while the Second World War was being fought abroad. Although he was unable to join the Armed Services, he was able to help the servicemen by entertaining them with his voice, known as the "Voice That Thrilled Millions."

Frank Sinatra made his acting debut in 1943, and he then went on to appear in more than 50 motion pictures, among them, "The Manchurian Candidate," a classic thriller reflecting his versatility as an actor, "The House I Live In," a sensitive documentary for which he received a special Oscar, and "From Here to Eternity," the 1953 motion picture which brought him an Academy Award for Best Supporting Actor.

Today, Frank Sinatra maintains that same high visibility by singing and performing throughout the United States and the world. Over the years, he has received countless awards that attest to the greatness of his multifaceted career, including seven Grammys, a Peabody, an Emmy and an Oscar.

Aside from his performing brilliance, Mr. President, Frank Sinatra should be recognized for his many selfless contributions. He played a key role in raising money for an AIDS program and a center for abused children during a special program taped last month in honor of his Eightieth Birthday Celebration. He also has earned awards for his humanitarian and social justice efforts, including the Life Achievement Award from the NAACP, the Academy of Motion Picture Arts and Sciences' Jean Hersholt Humanitarian Award, and the Presidential Medal of Freedom.

Mr. President, we are fortunate that Frank Sinatra's music will live on forever, for he is truly one of a kind. His voice penetrated the hearts of many, and changed the face of popular music in 20th Century America. I ask my colleagues to join me today in honoring Frank Sinatra on this monumental occasion and wish him continued success in the future. •

#### FRANK SINATRA'S 80th BIRTHDAY

• Mr. LIEBERMAN. Mr. President, I rise to pay tribute to an American who celebrates his 80th birthday on this day. The chairman of the board, Francis Albert Sinatra, legendary performer and American treasure, was born on this day, December 12, in Hoboken, NJ, in 1915.

Frank Sinatra rose from humble, blue-collar roots to superstardom by virtue of a God-given gift: his voice. Through hard work and determination he perfected his talent and sang his way to the top of the entertainment industry. His music dominated the charts from the 1930's through the 1960's. By the 1970's he was an American institution, surviving Elvis, the Beatles, and the rock and roll revolution. Frank Si-

natra has performed for audiences around the world. He has influenced virtually everyone who is, or ever wanted to be, a singer. As Harry Connick, Jr., once said, "Frank taught everybody how to sing." A universal entertainer from the old school, he could sing with the likes of Bing Crosby, dance with the likes of Gene Kelly, and act with the likes of Burt Lancaster. From 1941 to 1984 he appeared in 59 motion pictures. In 1953, he won an Oscar for his performance in "From Here To Eternity."

But Frank Sinatra has given more to America than his records and movies. In 1945, he won a special award from the Academy of Motion Picture Arts and Sciences for a short film called "The House I Live In," in which he stressed religious tolerance and racial equality. He had much to do with the desegregation of the entertainment industry by promoting African-American artists, most notably his friend, the late Sammy Davis, Jr.

During World War II he could not serve because of a punctured ear drum, but he performed for troops overseas and assisted the war effort by selling war bonds. As a young man, he involved himself in politics by supporting President Roosevelt in 1932. He campaigned for Democrats throughout the 1950's. In 1960, President Kennedy asked him to direct his inaugural gala. In the 1970's he supported Republicans and again hosted inaugural galas for President Reagan in 1980 and 1984. In sum, Frank Sinatra should enjoy bipartisan support from this body.

Frank Sinatra also deserves to be recognized for his work on behalf of charitable causes. He has given millions of dollars to charities and humanitarian causes publicly and anonymously. His donations have built children's hospitals, orphanages, and facilities for the mentally handicapped. In 1985 he was awarded the Presidential Medal of Freedom, the highest civilian honor our Nation bestows. In making the presentation, President Reagan praised him for his generosity toward the less fortunate.

Frank Sinatra is an American institution who has had an undeniable impact on the 20th century. He is part of American culture, one of the great voices of our time. There is probably a Sinatra fan on every block in every town in America, including this one on my block. Sinatra songs have provided the backdrop of our lives for the past 50 years. For most of us, a Sinatra song has the ability to conjure up memories of certain moments of our lives. So many of us can recall where we were when we first heard our favorite Sinatra song.

Now as he reaches the age of 80, the voice has become the elder statesman of entertainment, a comforting presence, and a source of inspiration for younger performers. He is a remarkable and distinguished American, and

his art will be with us for decades to come. He did it his way, and we loved it that way. I am as great a fan of his work as anyone, and I am sure I speak for many people in Connecticut, across the country, and around the world when I wish Old Blue Eyes a very happy 80th birthday and hope there will be many more to come.●

#### JOHN TURNER, CHAIRMAN OF THE AMERICAN COUNCIL OF LIFE INSURANCE

● Mr. GRAMS. Mr. President, on Tuesday, November 14, 1995, Mr. John Turner, chairman and CEO of ReliaStar Financial Corp., a financial services holding company in Minneapolis, MN, became the new chairman of the board of directors of the American Council of Life Insurance [ACLI].

The ACLI represents over 600 companies that write 92 percent of the life insurance and 95 percent of the pension business in the United States. As chairman, Mr. Turner will guide the ACLI as it works with Federal and State legislators, regulators and agencies to ensure the laws and regulations we enact serve the best interest of our Nation's business and individual policyholders and consumers, as well as insurance companies.

I want to take this opportunity to congratulate John on this high honor and also to recognize the many years of community service he and his wife Leslie have played in the Twin Cities. From Leslie's involvement with the Girl Scouts of America and her service on the city council of Edina, MN, to John's work on issues dealing with youth and education, they have made a positive difference in Minnesota.

Professionally, Mr. Turner has been an active member of the ACLI's board of directors for 3 years, and in that capacity, he has given tremendous service to an industry that, in turn, serves this Nation so well.

Life insurance companies provide a necessary service by helping to deliver financial security and peace of mind to millions of American families and individuals. Insurance industry products allow people to keep their homes and businesses, enable children to continue their education, and help support aging parents. The industry's retirement products provide the means by which this Nation's present and future retirees can achieve their financial independence and help fulfill their financial dreams.

Mr. President, this Congress is in the process of returning power and responsibility to States, localities and, most importantly, to individuals. This unprecedented shift in power from Washington to the rest of America was summed up by John Turner in his inaugural speech as Chairman of the ACLI when he said: "Neither Washington nor corporate America will much longer

assume the financial burden of underwriting people's retirement security; that responsibility is being transferred to individuals."

As this process continues, a broad range of issues from financial services modernization to tax reform to retirement income security will take center stage. From my seat on the Senate Banking Committee, I look forward to working closely with John on these and many other important issues.

As it provides for fully one-third of this Nation's long-term savings, the life insurance industry is the foundation of financial security for millions of Americans and for our country. I am pleased to see that John Turner will be leading this effort from his new position as chairman of the ACLI.

Again, Mr. President, I would like to congratulate John Turner and the ACLI. I am confident that he will bring to his new post the same dedication, honesty, and integrity he has demonstrated to ReliaStar Financial Corp. and the people of Minnesota. I wish John all the best and look forward to working with him the year ahead.●

#### CONGRATULATING DAN MORTENSEN ON WINNING THE WORLD TITLE IN SADDLE BRONC RIDING

● Mr. BURNS. Mr. President, I rise today to salute a young man from my State of Montana. This young man, just last week, won his third consecutive world title in saddle bronc riding at the National Finals Rodeo in Las Vegas, NV. Dan Mortensen, I tip my Stetson to you and your dedication.

Dan Mortensen will be 27 years old in 3 days and has accomplished a rare feat in his specialty event saddle bronc riding. He is a classic bronc rider, as is apparent by his three consecutive world titles. Saddle bronc riding is considered the classic event in the sport of rodeo. If you have never had the opportunity, I would suggest that you all take the time to see this event. A good saddle bronc ride is like watching a ballet to a cowboy, as it is a fluid movement between man and beast. In this event, the contestant must stay on a bucking horse for 8 seconds using only the timing of their movement and a bronc rein to keep them in the saddle. The classic style of Dan shows the grace and beauty involved in the sport of rodeo.

The honors that Dan has to his credit are numerous and speak volumes about his dedication to the true American sport of rodeo. Dan won the regular season title for the Montana High School Rodeo Association in saddle bronc riding. In 1990 Dan was awarded the title of Saddle Bronc Rookie of the Year. Four years later, Dan won his first world title in his specialty event. It was during the finals that year that Dan won not only the average in the saddle bronc event, but set a record in

the average. The average, is the total score of 10 rounds of riding wild and wooly bucking horses. Truly a world champion accomplishment.

Dan and his wife, Kay, live in the beautiful Gallatin Valley in Manhattan, MT. Residing in this area does take its toll, since it is not the easiest place to make flight arrangements out to the numerous rodeos necessary to win a championship. However, Dan continues to call this home.

Mr. President, I join with the citizens of the State of Montana, and with all that hold our tradition of rodeo dear, in saluting this young man. I congratulate him for his dedication to the great Western tradition and sport of rodeo.●

#### ORDERS FOR WEDNESDAY, DECEMBER 13, 1995

Mr. COHEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m., Wednesday, December 13; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and Senator HUTCHISON be immediately recognized to offer a Senate concurrent resolution regarding Bosnia.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### PROGRAM

Mr. COHEN. For the information of all Senators, the Senate will begin debate on Senator HUTCHISON's Bosnia resolution at 9 a.m., and by a previous order, the Senate will vote on H.R. 2606, the Bosnian resolution received from the House, at 12:30 p.m., on Wednesday.

The majority leader has indicated that he hopes the Senate will be able to vote on Senator HUTCHISON's resolution and the Dole Bosnia resolution after a reasonable amount of debate during Wednesday's session. All Members can therefore expect rollcall votes throughout tomorrow's session of the Senate. The Senate may be asked to consider any available appropriations conference reports, the State Department reorganization bill, or any items cleared for action.

#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. COHEN. Mr. President, if there is no further business to come before the



